

Introduced by Senator ThompsonFebruary 27, 1997

An act to amend Sections 8201, 8203, 8206, 8206.8, 8208, 8220.1, 8220.2, 8250.5, 8263, 8499, 8499.3, 8499.5, 8499.6, and 8499.8 of, to add Section 8201.5 to, to repeal Sections 8205, 8206.5, 8206.7, 8207, 8208.5, 8212.3, 8264.5, 8351, 8352, 8356, and 8357 of, and to repeal Article 6 (commencing with Section 8230) of Chapter 2 of Part 6 of, the Education Code, to add Article 3.5 (commencing with Section 12545) to Chapter 6 of Division 3 of Title 2 of the Government Code, to add Article 4 (commencing with Section 3100) to Chapter 8 of Title 1 of Part 3 of the Penal Code, and to amend Sections 11274, 11320.3, 11320.6, 11321.6, 11322.8, 11323.2, 11323.6, 11323.8, 11324, 11500, 14132.95, and 17000 of, to add Sections 10800.5, 11155.3, 11155.4, 11268.5, 11325.26, 11479.1, 12305.6, 18925, and 18926 to, to add Article 7.5 (commencing with Section 12330) to Chapter 3 of Part 3 of Division 9 of, to add Chapter 5.05 (commencing with Section 12800) to Part 3 of Division 9 of, to add Part 5.5 (commencing with Section 17650) to Division 9 of, to add and repeal Chapter 3.85 (commencing with Section 10785) of Part 2 of Division 9 of, to repeal Sections 11450.6, 11451.6, 11451.7, 17000.5, 17000.6, 17001, 17001.5, 17001.51, 17001.6, 17001.7, 17001.8, 17001.9, 17002, 17003, 17004, 17005, 17008, and 17020 of, to repeal Chapter 3 (commencing with Section 17200) of Part 5 of Division 9 of, to repeal and add Section 11450.019 of, the Welfare and Institutions Code, relating to human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.



LEGISLATIVE COUNSEL'S DIGEST

SB 933, as introduced, M. Thompson. Human services.

Under existing law, the State Department of Education is required to administer child care and development program provisions. These provisions include administration of funding derived from the federal Child Care and Development Block Grant.

This bill would make changes in these provisions relating to methods of state and local administration, services required or permitted to be provided by child care and development programs, and eligibility criteria for child care, including modifications in priorities to be followed in determining to whom services will be provided.

Existing law creates various public social services programs.

This bill would establish the Welfare Eligibility Simplification Commission, to be comprised as specified, that would be charged with making recommendations to the Legislature and the Governor, by December 31, 1997, on changes to be made in eligibility rules and application procedures.

This bill would make the provisions establishing the commission inoperative on July 1, 1998, and would repeal them as of January 1, 1999.

Existing law provides for the Aid to Families with Dependent Children (AFDC) program, under which each county provides cash assistance and other benefits to qualified low-income families. Each county is required to pay a share of the cost of both aid grant and administrative costs for the AFDC program.

This bill would permit the county to contract for all or part of the administration of the AFDC program, or would permit counties to operate the AFDC program on a regional basis.

This bill would make changes in AFDC eligibility standards, including certain changes that would expand the number of persons eligible to receive aid. Since state funds are continuously appropriated to pay a share of the cost of the AFDC program, by increasing the number of persons eligible to receive AFDC benefits, the bill would create an appropriation. In addition, since each county is required to administer the AFDC program, expanding eligibility under



the program would impose additional duties upon each county, thereby imposing a state-mandated local program.

The bill would also modify provisions relating to aid grants, the use of voucher payments, and eligibility for child care for both former and current AFDC recipients.

The bill would also require noncustodial parents of children receiving AFDC benefits in cases where a child support order is being established to be required to participate in county job search services, thus creating a state-mandated local program.

Existing law also creates the Greater Avenues for Independence (GAIN) program, under which each county, pursuant to an approved county plan, provides employment and training services to AFDC recipients.

This bill would increase county GAIN plan flexibility, modify program components, and impose certain requirements upon GAIN participants.

Existing law requires each county to provide aid and health care benefits to its indigent population not supported by other means.

This bill would eliminate the county's duty to provide aid, but would create, for this purpose, a State General Assistance Program, to be administered by each county in accordance with regulations developed by the department.

The bill would contain both aid grant and eligibility provisions.

Under existing law, a county may include general assistance recipients in its GAIN program.

This bill would, instead, provide that State General Assistance Program recipients would, subject to the exemptions contained in the GAIN program, be required to participate in that program.

The bill would, however, make certain modifications to the duty of participation in that program.

This bill would prohibit certain parolees from being eligible under the State General Assistance Program, but would require the parole authority to be responsible for the subsistence needs of an indigent parolee not eligible for the program.

The bill would appropriate an amount sufficient to pay for aid grant and administrative costs of the State General Assistance Program.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient, or by or through contract by the county, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are responsible for the administration of the IHSS program.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. Existing law includes the provision of various benefits, including personal care services, under the Medi-Cal program to eligible individuals.

Existing law also provides for the federal Supplemental Security Income (SSI) program and the State Supplementary Program for the Aged, Blind, and Disabled (SSP), under which, through a combination of federal and state funds, qualified low-income aged, blind, and disabled persons are provided with cash assistance. Persons eligible for SSI/SSP benefits are automatically eligible for the IHSS and Medi-Cal programs.

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 makes qualified aliens, as defined, with certain exceptions, and certain children, ineligible for SSI/SSP benefits and also causes these persons to become ineligible for the IHSS program and for personal care services under the Medi-Cal program.

This bill would specify that persons who are ineligible for IHSS benefits due to the federal law, would be eligible for those benefits but for that federal law, and continue to meet eligibility and disability requirements, shall be eligible for benefits under the IHSS program. Because counties are responsible for administration of the IHSS program and participate in the funding of that program, this bill, by requiring the provision of IHSS benefits to persons otherwise ineligible for IHSS benefits, would result in a state-mandated local program.



This bill would revise the eligibility requirement for personal care services under the Medi-Cal program to include any other category that would be eligible for the full scope of Medi-Cal benefits without a share of cost or any person eligible under the medicaid program but for the provisions of the federal law.

Counties are responsible for the administration of the Medi-Cal program through the determination of eligibility for benefits for the Medi-Cal program, and, therefore, by requiring counties to determine the eligibility of those persons for Medi-Cal benefits, this bill would result in a state-mandated local program.

This bill would also require the State Department of Social Services to establish a cash assistance program for those legal immigrants losing SSI/SSP eligibility due to Public Law 104-193, and would appropriate an unspecified amount from the General Fund for implementation of the program.

Existing law provides for the federal Food Stamp Program, under which each county distributes food stamps provided by the federal government to eligible households.

Under existing federal law, certain persons otherwise eligible for food stamp benefits must meet a specified work requirement in order to retain eligibility, except that a state may seek a waiver of this requirement for a geographic area that has insufficient jobs or that has an unemployment rate that exceeds 10%.

This bill would require the State Department of Social Services at the request of a county, or permit the department, in the absence of such a request, to seek a waiver, from the United States Department of Agriculture of this work requirement for any geographical area meeting the conditions for which a waiver may be provided.

Since each county is required to pay for the costs of distributing food stamps, and since through a waiver request made by the department, a county would be required to incur additional administrative costs by distributing food stamps to persons who would otherwise be ineligible for benefits, without its consent, the bill would create a state-mandated local program.

The bill would also require the State Department of Social Services to establish a state-funded citizenship assistance program, and would appropriate an unspecified amount to cover the costs of implementing the program during the 1997–98 fiscal year.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) The enactment of federal welfare reform,
4 pursuant to Public Law 104-193, has provided the state
5 with an unprecedented opportunity to recast the state's
6 welfare system, and in particular, to dramatically simplify
7 the standards and procedures for determining whether
8 applicants for assistance are eligible.

9 (b) A simplified eligibility process and alignment of
10 eligibility rules between various social and human
11 services programs, thereby allowing county welfare
12 department staff to focus on employment-related
13 activities, is critical to the success of a state
14 welfare-to-work system.

15 (c) An improved public social services system should
16 do all of the following:

17 (1) Foster personal responsibility and self-sufficiency.



(2) Ensure children will be cared for.

(3) Enable families to build the capacity to care for themselves.

(4) Reinforce the message that welfare is temporary assistance, and is intended to help families during emergencies when they are unable to completely support themselves.

(5) Include shared responsibility and accountability among all levels of government and nongovernmental sectors.

(6) Provide counties with adequate resources and flexibility to operate integrated social services programs in a manner that meets local needs and circumstances.

(7) Provide sufficient lead time for planning and reengineering current resources and a phasein period commensurate with available resources.

SEC. 2. Section 8201 of the Education Code is amended to read:

8201. The ~~purpose~~ *purposes* of this chapter ~~is~~ *are* as follows:

(a) *To provide child care services to enable families to become self-sufficient.*

(b) To provide a comprehensive, coordinated, and cost-effective system of child care and development services for children to age 14 and their parents, including a full range of supervision, health, and support services through full- and part-time programs.

~~(b)~~

(c) To encourage community-level coordination in support of child care and development services.

~~(c)~~

(d) To provide an environment that is healthy and nurturing for all children in child care and development programs.

~~(d)~~

(e) To provide the opportunity for positive parenting to take place through understanding of human growth and development.

~~(e)~~

1 (f) To reduce strain between parent and child in order
2 to prevent abuse, neglect, or exploitation.

3 ~~(f)~~

4 (g) To enhance the cognitive development of
5 children, with particular emphasis upon those children
6 who require special assistance, including bilingual
7 capabilities to attain their full potential.

8 ~~(g)~~

9 (h) To establish a framework for the expansion of child
10 care and development services.

11 SEC. 3. Section 8201.5 is added to the Education
12 Code, to read:

13 8201.5. (a) It is the intent of the Legislature that the
14 child care system include broad state-established policy
15 parameters that provide communities with local
16 flexibility and control to operate the programs.

17 (b) It is further the intent of the Legislature that the
18 system respect parental choice and maintain, support,
19 and acknowledge the multiple roles of child care,
20 including family self-sufficiency, child development, and
21 child safety.

22 (c) It is further the intent of the Legislature that
23 universally available child care for low-income families
24 working or seeking work is a critical component of
25 successful welfare-to-work programs.

26 SEC. 4. Section 8203 of the Education Code is
27 amended to read:

28 8203. The Superintendent of Public Instruction, *in*
29 *conjunction with the State Department of Social Services*,
30 shall develop standards for the implementation of quality
31 programs. Indicators of quality shall include, but not be
32 limited to:

33 (a) A physical environment that is safe and
34 appropriate to the ages of the children and which meets
35 applicable licensing standards.

36 (b) Program activities and services that are age
37 appropriate and developmentally meet the needs of each
38 child.

(c) Program activities and services that meet the cultural, linguistic, and other special needs of children and families being served.

(d) Family and community involvement.

(e) Parent education.

(f) Efficient and effective local program administration.

(g) Staff that possesses the appropriate and required qualifications or experience, or both.

The appropriate staff qualifications shall reflect the diverse linguistic and cultural make-up of the children and families in the child care and development program. The use of intergenerational staff shall be encouraged.

(h) Support services for children, families, and providers of care.

(i) Resource and referral services.

(j) Alternative payment services.

(k) Provision for nutritional needs of children.

(l) Social services that include, but are not limited to, identification of child and family needs and referral to appropriate agencies.

(m) Health services that include referral of children to appropriate agencies for services.

SEC. 5. Section 8205 of the Education Code is repealed.

~~8205. It is the intent of the Legislature that in providing child development programs the Superintendent of Public Instruction give priority to children of families that qualify under applicable federal statutes or regulations as recipients of public assistance and other low income and disadvantaged families. Federal reimbursement shall be claimed for any child receiving services under this chapter for whom federal funds are available.~~

SEC. 6. Section 8206 of the Education Code is amended to read:

8206. The State Department of Education is hereby designated as the single state agency responsible for the promotion, development, and provision of care of children in the absence of their parents during the

1 workday or while engaged in other activities which
2 require assistance of a third party or parties. The
3 department shall administer the federal Child Care and
4 Development Block Grant Act of 1990, ~~established by the~~
5 ~~Omnibus Budget Reconciliation Act of 1990 (Public Law~~
6 ~~101-508)~~ *as amended by Title VI of the federal Personal*
7 *Responsibility and Work Opportunity Reconciliation Act*
8 *of 1996.*

9 SEC. 7. Section 8206.5 of the Education Code is
10 repealed.

11 ~~8206.5. To the extent feasible, the State Department~~
12 ~~of Education shall award local contracts for direct services~~
13 ~~pursuant to the federal Child Care and Development~~
14 ~~Block Grant Act of 1990, established by the Omnibus~~
15 ~~Budget Reconciliation Act of 1990 (Public Law 101-508),~~
16 ~~to applicant agencies meeting locally determined~~
17 ~~priorities for program expansion.~~

18 SEC. 8. Section 8206.7 of the Education Code is
19 repealed.

20 ~~8206.7. In each contract entered into pursuant to~~
21 ~~Section 8203.5 by the State Department of Education and~~
22 ~~a contracting agency, not less than 10 percent of the~~
23 ~~children supported by funds made available pursuant to~~
24 ~~the federal Child Care and Development Block Grant of~~
25 ~~1990, established by the Omnibus Budget Reconciliation~~
26 ~~Act of 1990 (Public Law 101-508), shall be children with~~
27 ~~exceptional needs as defined in subdivision (l) of Section~~
28 ~~8208. The Superintendent of Public Instruction may~~
29 ~~waive this requirement if the contractor demonstrates~~
30 ~~that the demand for this level of service does not exist.~~
31 ~~Children with exceptional needs shall receive priority for~~
32 ~~enrollment within the priorities established by the child~~
33 ~~care and development local planning council.~~

34 SEC. 9. Section 8206.8 of the Education Code is
35 amended to read:

36 ~~8206.8. In order to assist contracting agencies in~~
37 ~~meeting the requirements of Section 8206.7, the State~~
38 ~~Department of Education shall, from funds made~~
39 ~~available to it pursuant to the federal Child Care and~~
40 ~~Development Block Grant of 1990, established by the~~

~~Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508);~~ *The department shall make funds available for staff development for those contracting agencies, including activities designed to improve services to children with exceptional needs. In addition, the department shall make funding available to localities to develop and conduct voluntary training for families in need of child care and for exempt providers.*

SEC. 10. Section 8207 of the Education Code is repealed.

~~8207. The Superintendent of Public Instruction may, pursuant to Section 204 of the Intergovernmental Cooperation Act of 1968, request waivers of single state agency requirements as necessary to utilize available federal funds for the purposes of this chapter, except for the purposes of the At Risk Child Care Program set forth in Article 15.5 (commencing with Section 8350). Until a waiver is granted by the federal government, the single state agency authorized by federal law to provide any child care service provided for in this chapter shall have only the functions, duties, and responsibilities conferred by this chapter upon the State Department of Education and the Superintendent of Public Instruction with respect to the child development services as are required by federal law and regulation. In that event, the single state agency shall provide child care and development services under a purchase of service agreement with the Superintendent of Public Instruction from funds appropriated for the services. The Superintendent of Public Instruction shall provide the necessary documents required by the federal government pursuant to this section to support the state's claim for federal reimbursement and shall certify that the school district, or other organization providing the care, has available the accounting records and other supporting documents to justify the claim for reimbursement and that the records are available for audit by the Controller and by any authorized federal agency.~~

SEC. 11. Section 8208 of the Education Code is amended to read:

1 8208. As used in this chapter:

2 (a) “Alternative payments” includes payments that
3 are made by one child care agency to another agency or
4 child care provider for the provision of child care and
5 development services, and payments that are made by an
6 agency to a parent for the parent’s purchase of child care
7 and development services.

8 (b) “Applicant or contracting agency” means a school
9 district, community college district, college or university,
10 county superintendent of schools, county, city, public
11 agency, private non-tax-exempt agency, private
12 tax-exempt agency, or other entity that is authorized to
13 establish, maintain, or operate services pursuant to this
14 chapter. Private agencies and parent cooperatives, duly
15 licensed by law, shall receive the same consideration as
16 any other authorized entity with no loss of parental
17 decisionmaking prerogatives as consistent with the
18 provisions of this chapter.

19 (c) “Assigned reimbursement rate” is that rate
20 established by the contract with the agency and is derived
21 by dividing the total dollar amount of the contract by the
22 minimum child day of average daily enrollment level of
23 service required.

24 (d) “Attendance” means the number of children
25 present at a child care and development facility.
26 “Attendance,” for the purposes of reimbursement,
27 includes excused absences by children because of illness,
28 quarantine, illness or quarantine of their parent, family
29 emergency, or to spend time with a parent or other
30 relative as required by a court of law or that is clearly in
31 the best interest of the child.

32 (e) “Capital outlay” means the amount paid for the
33 renovation and repair of child care and development
34 facilities to comply with state and local health and safety
35 standards, and the amount paid for the state purchase of
36 relocatable child care and development facilities for lease
37 to qualifying contracting agencies.

38 (f) “Caregiver” means a person who provides direct
39 care, supervision, and guidance to children in a child care
40 and development facility.



(g) “Child care and development facility” means any residence or building or part thereof in which child care and development services are provided.

(h) “Child care and development programs” means those programs that offer a full range of services for children ~~from infancy to 14 years of age~~, for any part of a day, by a public or private agency, in centers and family child care homes. ~~These programs include, but are not limited to, all of the following:~~

- ~~(1) Campus child care and development.~~
- ~~(2) General child care and development.~~
- ~~(3) Intergenerational child care and development.~~
- ~~(4) Migrant child care and development.~~
- ~~(5) Schoolage parenting and infant development.~~
- ~~(6) State preschool.~~
- ~~(7) Resource and referral.~~
- ~~(8) Severely handicapped.~~
- ~~(9) Family day care.~~
- ~~(10) Alternative payment.~~
- ~~(11) Child abuse protection and prevention services.~~
- ~~(12) Schoolage community child care.~~

(i) “Child care and development services” means those services designed to meet a wide variety of needs of children and their families, while their parents or guardians are working, in training, seeking employment, incapacitated, or ~~in need of respite transitioning from welfare to work~~. These services include direct care and supervision, instructional activities, resource and referral programs, and alternative payment arrangements.

(j) ~~“Children at risk of abuse, neglect, or exploitation” means children who are so identified in a written referral from a legal, medical, or social service agency, or emergency shelter.~~

~~(k)~~ “Children with exceptional needs” means children who have been determined to be eligible for special education and related services by an individualized education program team according to the special education requirements contained in Part 30 (commencing with Section 56000), and meeting eligibility criteria described in Section 56026 and Sections

1 56333 to 56338, inclusive, and Sections 3030 and 3031 of
2 Title 5 of the California Code of Regulations. These
3 children have an active individualized education
4 program, and are receiving appropriate special
5 education and services, unless they are under three years
6 of age and permissive special education programs are
7 available. These children may be mentally retarded, hard
8 of hearing, deaf, speech impaired, visually handicapped,
9 seriously emotionally disturbed, orthopedically impaired,
10 other health impaired, deaf-blind, multihandicapped, or
11 children with specific learning disabilities, who require
12 the special attention of adults in a child care setting.

13 ~~(j)~~—

14 (k) “Children with special needs” includes infants and
15 toddlers under the age of three years;
16 limited-English-speaking-proficient children; children
17 with exceptional needs; limited-English-proficient
18 handicapped children; and children at risk of neglect,
19 abuse, or exploitation.

20 ~~(m)~~—

21 (l) “Closedown costs” means reimbursements for all
22 approved activities associated with the closing of
23 operations at the end of each growing season for migrant
24 child development programs only.

25 ~~(n)~~—

26 (m) “Cost” includes, but is not limited to,
27 expenditures that are related to the operation of child
28 development programs. “Cost” may include a reasonable
29 amount for state and local contributions to employee
30 benefits, including approved retirement programs,
31 agency administration, and any other reasonable
32 program operational costs. “Reasonable and necessary
33 costs” are costs that, in nature and amount, do not exceed
34 what an ordinary prudent person would incur in the
35 conduct of a competitive business.

36 ~~(o)~~—

37 (n) “Elementary school,” as contained in Section 425
38 of Title 20 of the United States Code (the National
39 Defense Education Act of 1958, Public Law 85-864, as
40 amended), includes early childhood education programs



1 and all child development programs, for the purpose of
2 the cancellation provisions of loans to students in
3 institutions of higher learning.

4 ~~(p)~~—

5 (o) “Health services” includes, but is not limited to, all
6 of the following:

7 (1) Referral, whenever possible, to appropriate health
8 care providers able to provide continuity of medical care.

9 (2) Health screening and health treatment, including
10 a full range of immunization recorded on the appropriate
11 state immunization form to the extent provided by the
12 Medi-Cal Act (Chapter 7 (commencing with Section
13 14000) of Part 3 of Division 9 of the Welfare and
14 Institutions Code) and the Child Health and Disability
15 Prevention Program (Article 3.4 (commencing with
16 Section 320) of Chapter 2 of Part 1 of Division 1 of the
17 Health and Safety Code), but only to the extent that
18 ongoing care cannot be obtained utilizing community
19 resources.

20 (3) Health education and training for children,
21 parents, staff, and providers.

22 (4) Followup treatment through referral to
23 appropriate health care agencies or individual health
24 care professionals.

25 ~~(q)~~—

26 (p) “Higher educational institutions” means the
27 Regents of the University of California, the Trustees of
28 the California State University, the Board of Governors of
29 the California Community Colleges, and the governing
30 bodies of any accredited private nonprofit institution of
31 postsecondary education.

32 ~~(r)~~—

33 (q) “Intergenerational staff” means persons of various
34 generations.

35 ~~(s)~~—

36 (r) “Limited-English-speaking-proficient and
37 non-English-speaking-proficient children” means
38 children who are unable to benefit fully from an
39 English-only child care and development program as a
40 result of either of the following:

1 (1) Having used a language other than English when
2 they first began to speak.

3 (2) Having a language other than English
4 predominantly or exclusively spoken at home.

5 ~~(t)–~~

6 (s) “Parent” means any person living with a child who
7 has responsibility for the care and welfare of the child.

8 ~~(u)–~~

9 (t) “Program director” means a person who, pursuant
10 to Sections 8244 and 8360.1, is qualified to serve as a
11 program director.

12 ~~(v)–~~

13 (u) “Proprietary child care agency” means an
14 organization or facility providing child care, which is
15 operated for profit.

16 ~~(w)–~~

17 (v) “Resource and referral programs” means
18 programs that provide information to parents, including
19 referrals and coordination of community resources for
20 parents and public or private providers of care. Services
21 frequently include, but are not limited to: technical
22 assistance for providers, toy-lending libraries,
23 equipment-lending libraries, toy- and
24 equipment-lending libraries, staff development
25 programs, health and nutrition education, and referrals to
26 social services.

27 ~~(x)–~~

28 (w) “Severely handicapped children” are children
29 who require instruction and training in programs serving
30 pupils with the following profound disabilities: autism,
31 blindness, deafness, severe orthopedic impairments,
32 serious emotional disturbance, or severe mental
33 retardation. These children, ages birth to 21 years,
34 inclusive, may be assessed by public school special
35 education staff, regional center staff, or another
36 appropriately licensed clinical professional.

37 ~~(y) “Short-term respite child care” means child care~~
38 ~~service to assist families whose children have been~~
39 ~~identified through written referral from a legal, medical,~~
40 ~~or social service agency, or emergency shelter as being~~

~~1 neglected, abused, exploited, or homeless, or a at risk of~~
~~2 being neglected, abused, exploited, or homeless. Child~~
~~3 care is provided for less than 24 hours per day in child care~~
~~4 centers, treatment centers for abusive parents, family~~
~~5 child care homes, or in the child's own home.~~

~~6 (z)—~~

(x) (1) “Site supervisor” means a person who,
regardless of his or her title, has operational program
responsibility for a child care and development program
at a single site. A site supervisor shall hold a permit issued
by the Commission on Teacher Credentialing that
authorizes supervision of a child care and development
program operating in a single site. The Superintendent of
Public Instruction may waive the requirements of this
subdivision if the superintendent determines that the
existence of compelling need is appropriately
documented.

(2) In respect to state preschool programs, a site
supervisor may qualify under any of the provisions in this
subdivision, or may qualify by holding an administrative
credential or an administrative services credential. A
person who meets the qualifications of a site supervisor
under both Section 8244 and subdivision (e) of Section
8360.1 is also qualified under this subdivision.

~~25 (aa)—~~

(y) “Standard reimbursement rate” means that rate
established by the Superintendent of Public Instruction
pursuant to Section 8265.

~~29 (bb)—~~

(z) “Startup costs” means those expenses an agency
incurs in the process of opening a new or additional
facility prior to the full enrollment of children.

~~33 (ee)—~~

(aa) “State preschool services” means part-day
educational programs for low-income or otherwise
disadvantaged prekindergarten-age children.

~~37 (dd)—~~

(ab) “Support services” means those services which,
when combined with child care and development
services, help promote the healthy physical, mental,

1 social, and emotional growth of children. Support services
2 include, but are not limited to: protective services, parent
3 training, provider and staff training, transportation,
4 parent and child counseling, child development resource
5 and referral services, and child placement counseling.

6 ~~(ee)–~~

7 ~~(ac)~~ “Teacher” means a person with the appropriate
8 permit issued by the Commission on Teacher
9 Credentialing who provides program supervision and
10 instruction which includes supervision of a number of
11 aides, volunteers, and groups of children.

12 ~~(ff)–~~

13 ~~(ad)~~ “Workday” means the time that the parent
14 requires temporary care for a child for any of the
15 following reasons:

16 (1) To undertake training in preparation for a job.

17 (2) To undertake or retain a job.

18 (3) To undertake other activities that are essential to
19 maintaining or improving the social and economic
20 function of the family, are beneficial to the community,
21 or are required because of health problems in the family.

22 SEC. 12. Section 8208.5 of the Education Code is
23 repealed.

24 ~~8208.5. Notwithstanding any other provision of law,~~
25 ~~child care and development programs, as defined in~~
26 ~~Section 8208, shall include, but not be limited to, respite~~
27 ~~child care and development.~~

28 SEC. 13. Section 8212.3 of the Education Code is
29 repealed.

30 ~~8212.3. (a) In addition to the services described in~~
31 ~~Section 8212, a child care resource and referral program,~~
32 ~~established to serve a defined geographic area, may~~
33 ~~provide short term respite child care. “Short term respite~~
34 ~~care,” for purposes of this article, means temporary child~~
35 ~~care services to do any of the following:~~

36 ~~(1) Provide services to families identified and referred~~
37 ~~by child protective agencies.~~

38 ~~(2) Relieve the stress caused by child abuse, neglect,~~
39 ~~or exploitation, or the risk of abuse, neglect, or~~
40 ~~exploitation.~~

1 ~~(3) Assist parents who, because of serious illness or~~
2 ~~injury, homelessness, or family crisis, including~~
3 ~~temporary absence from the home because of illness or~~
4 ~~injury, would be unable without assistance to provide the~~
5 ~~normal care and nurture expected of parents.~~

6 ~~(4) Provide temporary relief to parents from the care~~
7 ~~of children with exceptional needs.~~

8 ~~(b) Pursuant to the delivery of short-term respite child~~
9 ~~care services, priority shall be given for the provision of~~
10 ~~services to families identified and referred by child~~
11 ~~protective agencies, to relieve the stress caused by child~~
12 ~~abuse, neglect, or exploitation, or the risks thereof, as~~
13 ~~described in paragraphs (1) and (2) of subdivision (a).~~
14 ~~Priority shall be given to assist parents and to provide~~
15 ~~temporary relief to parents, as described in paragraphs~~
16 ~~(3) and (4) of subdivision (a) to the extent that resources~~
17 ~~are available.~~

18 SEC. 14. Section 8220.1 of the Education Code is
19 amended to read:

20 8220.1. (a) The State Department of Education shall
21 ~~contract with local contracting agencies for alternative~~
22 ~~payment programs so that services will be provided~~
23 ~~throughout the state counties, which shall be part of the~~
24 ~~countywide child care administrative services structure.~~
25 The department shall expand existing alternative
26 payment programs and fund new alternative payment
27 programs to the extent that funds are provided by the
28 Legislature.

29 (b) Funding for the new programs pursuant to this
30 section shall be allocated to programs which meet all of
31 the following requirements:

32 (1) Applicants shall conform to the requirements of
33 this article.

34 (2) Applicants shall demonstrate that an alternative
35 payment child development program is an appropriate
36 method of delivering child care services within the
37 county or service area at the level requested in the
38 application by doing either of the following:

39 (A) Demonstrating the availability of sufficient
40 licensed or exempt child care providers.

1 (B) Providing a plan for the development of sufficient
2 licensed child care providers working in cooperation with
3 the local resource and referral agency.

4 (3) Applicants shall demonstrate the administrative
5 viability of the alternative payment agency and its
6 capacity to meet performance requirements.

7 (4) Existing alternative payment child development
8 programs receiving funds for expansion into a new
9 service area shall be funded at a documented rate
10 appropriate to that community and may contract
11 separately as appropriate.

12 SEC. 15. Section 8220.2 of the Education Code is
13 amended to read:

14 8220.2. Alternative payment programs shall serve an
15 identifiable geographic area approved by the State
16 Department of Education *and by the counties*. The
17 service area may be delineated by jurisdictional city or
18 county boundaries, by natural geographic barriers,
19 streets, roads, or ~~zip codes~~ *ZIP Codes*.

20 ~~In the appropriation of expansion funds allocated in this~~
21 ~~section and in Assembly Bill 55 of the 1985-86 Regular~~
22 ~~Session of the Legislature, first priority shall be given to~~
23 ~~develop the alternative payment programs in unserved~~
24 ~~areas of the state.~~

25 ~~Second priority shall be given to expand current~~
26 ~~alternative payment programs. The state department~~
27 ~~shall reserve funds to ensure that at least 50 percent of the~~
28 ~~moneys allotted for the alternative payment program in~~
29 ~~both Assembly Bill 55 of the 1985-86 Regular Session of~~
30 ~~the Legislature and this section shall be used to fund this~~
31 ~~second priority.~~

32 SEC. 16. Article 6 (commencing with Section 8230) of
33 Chapter 2 of Part 6 of the Education Code is repealed.

34 SEC. 17. Section 8250.5 of the Education Code is
35 amended to read:

36 8250.5. ~~A~~ Any contractor ~~providing services pursuant~~
37 ~~to a general child care contract, a campus child care~~
38 ~~contract, a migrant child care contract, or an alternative~~
39 ~~payment child care contract is~~ *shall be* subject to the

1 requirements of the Americans with Disabilities Act (42
2 U.S.C. Sec. 12101, et seq.).

3 SEC. 18. Section 8263 of the Education Code is
4 amended to read:

5 8263. (a) The Superintendent of Public Instruction,
6 *in conjunction with the State Department of Social*
7 *Services*, shall adopt rules and regulations on eligibility,
8 enrollment, and priority of services needed to implement
9 this chapter. In order to be eligible for federal and state
10 subsidized child *care and* development services, ~~families~~
11 *a family* shall meet ~~at least one requirement in each of~~
12 ~~the following areas~~ *criteria*:

13 (1) ~~A family is (A) a current aid recipient, (B) income~~
14 ~~eligible, (C) homeless, or (D) one whose children are~~
15 ~~recipients of protective services, or whose children have~~
16 ~~been identified as being abused, neglected, or exploited,~~
17 ~~or at risk of being abused, neglected, or exploited.~~

18 (2) ~~A family needs the child care service because the~~
19 ~~child is identified by a legal, medical, social service~~
20 ~~agency, or emergency shelter as (A) a recipient of~~
21 ~~protective services, (B) being neglected, abused, or~~
22 ~~exploited, or at risk of neglect, abuse, or exploitation, or~~
23 ~~(C) having a medical or psychiatric special need which~~
24 ~~cannot be met without provision of child day care, or the~~
25 ~~parents are (i) engaged in vocational training leading~~
26 ~~directly to a recognized trade, paraprofession, or~~
27 ~~profession, (ii) employed or seeking employment, (iii)~~
28 ~~seeking permanent housing for family stability, or (iv)~~
29 ~~incapacitated, including a medical or psychiatric special~~
30 ~~need which cannot be met without provision of child day~~
31 ~~care. The family is eligible for or receiving benefits under~~
32 ~~Chapter 2 (commencing with Section 11200) of Part 3 of~~
33 ~~Division 9 of the Welfare and Institutions Code and a~~
34 ~~member of the family is seeking employment.~~

35 (2) *The family has income that does not exceed 200*
36 *percent of the federal poverty level.*

37 (3) *The children in the family are recipients of child*
38 *protective services.*

~~(b) Priority (1) First priority for state and federally subsidized child care and development services is as follows:~~

~~(1) First priority shall be given to neglected or abused children who are recipients of child protective services; or recipients who are at risk of being neglected or abused, upon written referral from a legal, medical, or social service agency. When an agency is unable to enroll a child in the first priority category, the agency shall refer the family to local resource and referral services to locate services for the child.~~

~~(2) Second priority shall be equally given to eligible families, regardless of the number of parents in the home, who are income eligible. Within this priority, families with the lowest gross monthly income in relation to family size, as determined by a schedule adopted by the superintendent, shall be admitted first. When two or more families are in the same priority in relation to income, the family that has been on the waiting list for the longest amount of time shall be admitted first. For purposes of determining order of admission, the grants of public assistance recipients shall be counted as income.~~

~~(3) The superintendent shall set criteria for and may grant specific waivers of the priorities established in this subdivision for agencies that wish to serve specific populations, including disabled children or children of prisoners. These new waivers shall not include proposals to avoid appropriate fee schedules or admit ineligible families, but may include proposals to accept members of special populations in other than strict income order, as long as appropriate fees are paid.~~

~~(c) Notwithstanding any other provision of law, in order to promote continuity of services, a family enrolled in a state or federally funded child care and development program whose services would otherwise be terminated because the family no longer meets the program income, eligibility, or need criteria may continue to receive child development services in another state or federally funded child care and development program if the contractor is able to transfer the family's enrollment to~~

~~1 another program for which the family is eligible prior to
2 the date of termination of services or to exchange the
3 family's existing enrollment with the enrollment of a
4 family in another program, provided that both families
5 satisfy the eligibility requirements for the program in
6 which they are being enrolled. The transfer of enrollment
7 may be to another program within the same
8 administrative agency or to another agency that
9 administers state or federally funded child care and
10 development programs within that county.~~

(2) Priority for the remaining families shall be determined by the local child care commission, and shall include low-income families whose parents, caretaker, or legal guardian are working or seeking work or are engaged in approved activities leading to employment, teen parents, and families that are experiencing a short-term crisis that is locally defined.

~~(d)–~~

(c) A physical examination and evaluation, including age-appropriate immunization, shall be required prior to, or within six weeks of, enrollment. No standard, rule, or regulation shall require medical examination or immunization for admission to a child care and development program of a child whose parent or guardian files a letter with the governing board of the child care and development program stating that the medical examination or immunization is contrary to his or her religious beliefs, or provide for the exclusion of a child from the program because of a parent or guardian having filed the letter. However, whenever there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child shall be temporarily excluded from the program until the governing board of the child care and development program is satisfied that any contagious or infectious disease does not exist.

~~(e) Regulations formulated and promulgated pursuant to this section shall include the recommendations of the State Department of Health Services relative to health care screening and the~~

1 ~~provision of health care services. The superintendent~~
2 ~~shall seek the advice and assistance of these health~~
3 ~~authorities in situations where service under this chapter~~
4 ~~includes or requires care of ill or disabled children.~~

5 ~~(f)–~~

6 *(d) (1) The superintendent, in conjunction with the*
7 *State Department of Social Services, shall establish a*
8 *sliding scale fee schedule for families utilizing child care*
9 *and development services pursuant to this chapter,*
10 *which shall include, but not be limited to, the following*
11 *restrictions:*

12 ~~(1) No fees shall be assessed for families whose~~
13 ~~children are enrolled in the state preschool program, that~~
14 ~~shall be based on income and that shall be indexed by~~
15 ~~region, on a per child basis. Fees shall be paid directly to~~
16 ~~the provider. A child receiving child protective services~~
17 ~~who resides with his or her parents shall be required to~~
18 ~~make a copayment paid directly to the provider.~~

19 (2) A contractor or provider may require parents to
20 provide diapers. A contractor or provider offering field
21 trips either may include the cost of the field trips within
22 the service rate charged to the parent or may charge
23 parents an additional fee. No federal or state money shall
24 be used to reimburse parents for the costs of field trips if
25 those costs are charged as an additional fee. A contractor
26 or provider that charges parents an additional fee for field
27 trips shall inform parents, prior to enrolling the child, that
28 a fee may be charged and that no reimbursement will be
29 available. A contractor or provider may charge parents
30 for field trips or require parents to provide diapers only
31 under the following circumstances:

32 (A) The provider has a written policy that is adopted
33 by the agency's governing board that includes parents in
34 the decisionmaking process regarding both of the
35 following:

36 (i) Whether or not, and how much, to charge for field
37 trip expenses.

38 (ii) Whether or not to require parents to provide
39 diapers.

1 (B) The maximum total of charges per child in a
2 contract year does not exceed twenty-five dollars (\$25).

3 (C) No child is denied participation in a field trip due
4 to the parent's inability or refusal to pay the charge. No
5 adverse action shall be taken against any parent for that
6 inability or refusal.

7 Each contractor or provider shall establish a payment
8 system that prevents the identification of children based
9 on whether or not their parents have paid a field trip
10 charge.

11 Expenses incurred and income received for field trips
12 pursuant to this section, shall be reported to the State
13 Department of Education. The income received for field
14 trips shall be reported specifically as restricted income.

15 ~~(g)~~

16 (e) The superintendent shall establish guidelines for
17 the collection of employer-sponsored child care benefit
18 payments from any parent whose child receives
19 subsidized child care and development services. These
20 guidelines shall provide for the collection of the full
21 amount of the benefit payment, but not to exceed the
22 actual cost of child care and development services
23 provided, notwithstanding the applicable fee based on
24 the fee schedule.

25 ~~(h) The superintendent shall establish guidelines~~
26 ~~according to which the director or a duly authorized~~
27 ~~representative of the child care and development~~
28 ~~program will certify children as eligible for state~~
29 ~~reimbursement pursuant to this section.~~

30 ~~(i)~~

31 (f) No public funds shall be paid directly or indirectly
32 to any agency that does not pay at least the minimum
33 wage to each of its employees.

34 SEC. 19. Section 8264.5 of the Education Code is
35 repealed.

36 ~~8264.5. The Superintendent of Public Instruction may~~
37 ~~waive or modify child development requirements in~~
38 ~~order to enable child development programs to serve~~
39 ~~combinations of eligible children in areas of low~~
40 ~~population. The child development programs for which~~

~~the superintendent may grant waivers shall include, but need not be limited to, state preschool programs, school-age parenting programs, infant care and development services, migrant child care and development programs, campus child care and development programs, and general child care and development programs.~~

SEC. 20. Section 8351 of the Education Code is repealed.

8351. For the purposes of this article, the following terms shall have the following meanings:

(a) “AFDC” means Aid to Families with Dependent Children.

(b) “Child care provider” means licensed child care facilities, including day care facilities and family day care homes, as well as providers who are exempt from licensure, including care provided by an individual in a family’s home or care provided by a relative in the relative’s home.

(c) “Designated state agency” means the State Department of Social Services which is the single state agency designated to provide child care services, for purposes of paragraph (3) of subsection (a) of Section 402 of the Social Security Act (42 U.S.C. Sec. 603(a)(3)).

(d) “Eligible family” means a family that has an adjusted monthly income at or below 84 percent of the state median income level adjusted for family size at the time of initial enrollment, who is not a current AFDC recipient, needs child care services in order to work, and would otherwise be at risk of becoming eligible for AFDC if child care subsidies are not provided.

(e) “GED Certificate” means the General Education Development Certificate.

(f) “Program” means the At Risk Child Care Program established pursuant to this article.

(g) “Transitional child care” means transitional child care provided pursuant to the Transitional Child Care Program set forth in Article 8 (commencing with Section 11500) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

1 SEC. 21. Section 8352 of the Education Code is
2 repealed.

3 ~~8352. (a) For the purposes of this article, and~~
4 ~~notwithstanding Section 8263, the following priorities for~~
5 ~~enrollment in the program shall apply:~~

6 ~~(1) First priority for enrollment shall be given to~~
7 ~~eligible families who meet at least one of the following~~
8 ~~criteria:~~

9 ~~(A) Former recipients of transitional child care who~~
10 ~~have exhausted all eligibility for transitional child care~~
11 ~~during the 12 months following the date on which that~~
12 ~~eligibility has been terminated.~~

13 ~~(B) Former AFDC recipients who do not qualify for~~
14 ~~transitional child care for reasons other than failure to pay~~
15 ~~their family fee or failure to cooperate with the County~~
16 ~~Family Support Division in establishing child support~~
17 ~~liability.~~

18 ~~(C) Employed emancipated minors who are parents~~
19 ~~and employed parents under the age of 20 years who are~~
20 ~~not receiving AFDC and who possess a high school~~
21 ~~diploma, a GED Certificate, or who are currently~~
22 ~~participating in an educational activity that would lead to~~
23 ~~either a high school diploma or GED Certificate.~~

24 ~~(2) Second priority shall be given to all other eligible~~
25 ~~families, with eligible families who have the lowest gross~~
26 ~~monthly income in relation to family size given~~
27 ~~enrollment first.~~

28 ~~(b) Notwithstanding any other provision of law,~~
29 ~~priorities shall not be waived by any individual or agency~~
30 ~~without the prior approval of the designated state agency.~~

31 ~~(c) In order to receive funding from the program,~~
32 ~~each participating eligible family shall contribute some~~
33 ~~amount to the cost of providing care according to a sliding~~
34 ~~fee scale formula established by the Superintendent of~~
35 ~~Public Instruction based upon the family's ability to pay,~~
36 ~~in accordance with subdivision (c) of Section 8263.~~

37 SEC. 22. Section 8356 of the Education Code is
38 repealed.

39 ~~8356. (a) The State Department of Social Services~~
40 ~~shall reimburse the State Department of Education for~~

1 ~~the program the lesser of the actual cost of care or the~~
2 ~~applicable local market rate ceiling, as determined by the~~
3 ~~State Department of Social Services in accordance with~~
4 ~~the regulations issued by the Secretary of Health and~~
5 ~~Human Services pursuant to Section 5081 of Chapter 6 of~~
6 ~~Title V of the Omnibus Budget Reconciliation Act of 1990~~
7 ~~(P.L. 101-508). However, the State Department of~~
8 ~~Education shall not be precluded by this section from~~
9 ~~reimbursing providers at the contracted reimbursement~~
10 ~~rate when it is greater than the local market rate by~~
11 ~~utilizing other appropriate resources.~~

12 ~~(b) The State Department of Education shall use the~~
13 ~~survey required pursuant to subdivision (b) of Section~~
14 ~~11508 of the Welfare and Institutions Code for the~~
15 ~~purpose of calculating the regional market rate ceiling.~~

16 SEC. 23. Section 8357 of the Education Code is
17 repealed.

18 ~~8357. (a) Commencing with the 1993 fiscal year, the~~
19 ~~State Department of Social Services, as the designated~~
20 ~~state agency, shall prepare an annual report on the~~
21 ~~activities carried out with the funds made available to the~~
22 ~~program pursuant to subsection (n) of Section 603 of Title~~
23 ~~42 of the United States Code and submit that report to the~~
24 ~~Secretary of Health and Human Services. That report~~
25 ~~shall include the information provided to the department~~
26 ~~pursuant to subdivision (c), the criteria applied in~~
27 ~~determining eligibility or priority for receiving services,~~
28 ~~sliding fee schedules, child care licensing and regulatory~~
29 ~~requirements, including registration requirements with~~
30 ~~respect to child care providers, and the enforcement~~
31 ~~policies and practices that apply to licensed and regulated~~
32 ~~child care providers, including providers who are~~
33 ~~required to register.~~

34 ~~(b) The State Department of Social Services shall~~
35 ~~make the report prepared pursuant to subdivision (a)~~
36 ~~available to the public, and shall provide a copy of each~~
37 ~~report, on request, to any interested public agency.~~

38 ~~(c) The State Department of Education shall report to~~
39 ~~the State Department of Social Services, as the~~

1 ~~designated state agency, the statistical data necessary to~~
2 ~~prepare the report required by subdivision (a).~~

3 SEC. 24. Section 8499 of the Education Code is
4 amended to read:

5 8499. For purposes of this chapter, ~~the following~~
6 ~~definitions shall apply:~~

7 (a) ~~“Local planning council” means a local child care~~
8 ~~and development planning council.~~

9 (b) ~~“Committee” means the Child Development~~
10 ~~Program Advisory Committee as described in subdivision~~
11 ~~(a) of Section 8499.4.~~

12 (c) ~~“Child~~ “*child care*” means all child care and
13 development services, including private for-profit,
14 nonprofit, and public programs, for all children, including
15 children with special needs and those from multilingual
16 and multicultural backgrounds.

17 (d) ~~“Child care and development block grant” or~~
18 ~~“block grant” means the block grant contained in the~~
19 ~~federal Child Care and Development Block Grant Act of~~
20 ~~1990, as established by the federal Omnibus Budget~~
21 ~~Reconciliation Act of 1990, Public Law 101-508.~~

22 SEC. 25. Section 8499.3 of the Education Code is
23 amended to read:

24 8499.3. ~~Funds from the child~~ *Child* care and
25 development ~~block grant allocated for local expansion of~~
26 ~~child care services funds~~ shall be distributed by the State
27 Department of Education, *in conjunction with the State*
28 *Department of Social Services*, as follows:

29 (a) A minimum amount of funds, established by the
30 ~~State Department of Education~~ *department, in*
31 *conjunction with the State Department of Social Services*,
32 shall be distributed within each county.

33 (b) Any amount of funds distributed within each
34 county that is above the minimum amount established by
35 the ~~State Department of Education~~ *department, in*
36 *conjunction with the State Department of Social Services*,
37 pursuant to subdivision (a) shall be determined by the
38 procedure described in Section 8289.

39 (c) Once the size of the amount of funds to be
40 distributed within each county has been determined,

1 funds shall be distributed ~~by the State Department of~~
2 ~~Education~~ according to the priorities listed ~~by each local~~
3 ~~planning council recommended by the local child care~~
4 ~~commission and approved by the county board of~~
5 ~~supervisors and the State Board of Education~~ unless they
6 do not meet the requirements of the federal regulations
7 and state guidelines for these ~~—guidelines regulations~~
8 developed by the ~~State Department of Education~~
9 ~~department, in conjunction with the State Department of~~
10 ~~Social Services.~~

11 ~~(d) If a county has not submitted a plan, the~~
12 ~~Superintendent of Public Instruction shall determine~~
13 ~~distribution of funds within the county.~~

14 SEC. 26. Section 8499.5 of the Education Code is
15 amended to read:

16 8499.5. ~~In order to initiate local child care planning,~~
17 ~~and to set priorities for use of the child care and~~
18 ~~development block grant, the~~ *The* county board of
19 supervisors and the county superintendent of schools ~~are~~
20 ~~requested to accomplish the following:~~

21 ~~(a) Notify the State Department of Education for the~~
22 ~~child care and development block grant of their decision~~
23 ~~to participate in local efforts to plan for child care and to~~
24 ~~set priorities for new funds. If either the board of~~
25 ~~supervisors or the superintendent of schools decides not~~
26 ~~to participate in these efforts, the other may act alone.~~

27 ~~(b) Appoint shall appoint~~ a countywide child care and
28 ~~development planning council commission.~~ Membership
29 on the ~~council should~~ *commission may* include, but need
30 not be limited to, representatives from the following:

31 (1) County and city government officials or elected
32 officials knowledgeable about *the Aid to Families with*
33 *Dependent Children program, or any successor program,*
34 *child welfare services, welfare-to-work programs,* local
35 planning issues, child care, recreation, and social services
36 for children and families.

37 (2) County office of education.

38 (3) School districts and community colleges within the
39 county. Representatives should be knowledgeable about
40 child care and development programs.

1 (4) Local state-funded child care resource and referral
2 agency.

3 (5) Local government child care coordinator.

4 (6) Child care and Head Start providers and child
5 development experts.

6 (7) Parents who use child care services.

7 (8) Employers, labor organizations, and community
8 organizations knowledgeable about child care, including
9 child care provided by sectarian organizations, in the
10 community.

11 (9) A representative of the Native Tribal Councils, if
12 there is a Native Tribal Council within the county.

13 (c) If a county already has a child care or children's
14 services council, such as those established pursuant to the
15 Presley-Brown Interagency Children's Services Act
16 (Chapter 12.8 (commencing with Section 18986) of Part
17 6 of Division 9 of the Welfare and Institutions Code), *or*
18 *the federal Family Preservation and Support Act (42*
19 *U.S.C. Sec. 629 et seq.)* the board or boards may designate
20 this council as the child care ~~and development planning~~
21 ~~council~~ *commission*, as long as the ~~council has or can~~
22 ~~achieve the representation set forth in this section~~
23 *commission has knowledge of the child care system and*
24 *oversees family and children's policy powers.*

25 (d) Prior to selecting the members of the local
26 ~~planning council~~ *child care commission*, the board or
27 boards should publicize its or their intention to select the
28 members and should invite local organizations to submit
29 nominations.

30 (e) Every effort shall be made to ensure that the
31 ethnic and racial composition of the local ~~planning~~
32 ~~council~~ *child care commission* is reflective of the ethnic
33 and racial distribution of the persons and families in the
34 community.

35 (f) In a county where a city selection committee is
36 created pursuant to Section 50270 of the Government
37 Code, the board or boards shall request that committee
38 to select the city representatives to serve on the local
39 ~~planning council~~ *child care commission*.

1 (g) *Membership on the local child care commission*
2 *should minimize conflict of interest.*

3 SEC. 27. Section 8499.6 of the Education Code is
4 amended to read:

5 8499.6. Local ~~planning—councils~~ *child care*
6 *commissions* are encouraged to do all of the following:

7 (a) ~~Elect a chair and appoint staff as needed.~~

8 ~~(b) Develop local priorities for the distribution and~~
9 ~~allocation of federal and state child care and~~
10 ~~development funds as they become available. Local~~
11 ~~priorities for expansion of subsidized child care and~~
12 ~~development services under the child care and~~
13 ~~development block grant should list the types of services~~
14 ~~and method of care most needed by eligible families~~
15 ~~eligible under the block grant, the ages of the children~~
16 ~~needing care, and the specific geographic areas within~~
17 ~~the county where care is needed. These priorities should~~
18 ~~be documented by data on supply, demand, cost and~~
19 ~~market rates for child care in the community. In addition,~~
20 ~~a local planning—councils child care commission may list~~
21 ~~their its priorities for state and local activities to improve~~
22 ~~the quality of child care. In developing priorities, the local~~
23 ~~planning—council child care commission should consult~~
24 ~~and coordinate with other county interagency children's~~
25 ~~services councils. The local planning—council should child~~
26 ~~care commission shall publicize proposed priorities and~~
27 ~~gather public input before submitting the priorities to the~~
28 ~~State Department of Education board of supervisors and~~
29 ~~county boards of education.~~

30 (c) Review and update local priorities every ~~two~~ *three*
31 ~~years, if the county intends to continue to receive funding~~
32 ~~based on local priorities.~~

33 (d) Prepare a comprehensive, countywide
34 community child care plan. Local ~~planning—councils child~~
35 *care commissions* are encouraged to make every effort to
36 include provisions in the plan that comply with all of the
37 following:

38 (1) It describes and analyzes the present and future
39 child care needs within that county for a five-year period,
40 based on demographic information and supply and

1 demand data in accordance with guidelines adopted by
2 the advisory committee pursuant to Section 8286.

3 (2) It contains a plan to meet the child care needs of
4 its county and to develop a comprehensive county child
5 care system by mobilizing public and private resources
6 using, to the extent feasible, expertise and existing data
7 developed by local state-funded child care resource and
8 referral programs and other state and local agencies and
9 complementing existing resources.

10 (3) It provides for a biennial update of the child care
11 plan consistent with a schedule established by the council
12 and provides for a review by the local jurisdiction at least
13 once biennially of the planning option chosen by the
14 jurisdiction.

15 (4) It fosters a child care system which maximizes
16 parental responsibility and parental choice.

17 (5) It considers financing alternatives to implement
18 the action plan.

19 (6) It identifies priorities for expansion of child care
20 services taking into consideration the age, special needs,
21 family income level, the needs of adolescent parents and
22 children of migrant workers during seasonal work
23 periods, multilingual backgrounds, and multicultural
24 backgrounds of the children requiring child care services.

25 ~~(7) It identifies the needs and lists priorities for~~
26 ~~expansion of subsidized child care programs~~
27 ~~administered by the State Department of Education and~~
28 ~~State Department of Social Services, and by the federal~~
29 ~~Head Start Program (42 U.S.C. Sec. 9831 et seq.).~~

30 ~~(8) It describes the strategies and mechanisms for~~
31 ~~assisting and upgrading the quality of child care.~~

32 ~~(9) —~~

33 (8) It explains how county and city land use and
34 transportation policies can be used to promote and foster
35 the availability of child care services.

36 ~~(10) —~~

37 (9) It describes the roles and responsibilities of all
38 relevant public and private agencies in meeting local
39 child care needs.

40 ~~(11) —~~

1 (10) It identifies current and prospective local funding
2 sources and potential contributions to a community child
3 care fund.

4 ~~(12)–~~

5 (11) It identifies the roles of ~~the existing local~~
6 ~~state-funded child care resource and referral program in~~
7 ~~the implementation of the plan~~ *community programs*
8 *that provide support services for child care and*
9 *development services.*

10 ~~(13)–~~

11 (12) It describes the relationships of the local
12 programs pursuant to the federal Head Start Program (42
13 U.S.C. Sec. 9831 et seq.), ~~the GAIN program established~~
14 ~~pursuant to Article 3.2 (commencing with Section 11320)~~
15 ~~of Part 3 of Division 9 of the Welfare and Institutions~~
16 ~~Code, the JOBS program established pursuant to Title II~~
17 ~~(commencing with Section 201) of the Family Support~~
18 ~~Act of 1988 (P.L. 100-485), the federal Family~~
19 ~~Preservation and Support Act (42 U.S.C. Sec. 629 et seq.),~~
20 and the federal Job Training Partnership Act (29 U.S.C.
21 Sec. 1501 et seq.) to the plan, ~~and, where applicable, it~~
22 ~~describes the coordination with the California Child Care~~
23 ~~Initiative Project established by Section 8215 of the~~
24 ~~Education Code.~~

25 ~~(14) It is consistent with all guidelines adopted by the~~
26 ~~advisory committee pursuant to Section 8286.~~

27 SEC. 28. Section 8499.8 of the Education Code is
28 amended to read:

29 8499.8. (a) If a local jurisdiction already has a
30 preexisting countywide, community child care plan that
31 meets the intent of this chapter, it may use that plan. The
32 plan may include subplans developed by local
33 jurisdictions within the county.

34 (b) The local ~~planning council~~ *child care commission*
35 shall consult and coordinate with any county interagency
36 children's services coordination councils authorized
37 pursuant to the Presley-Brown Interagency Children's
38 Services Act (Chapter 12.8 (commencing with Section
39 18986) of Part 6 of Division 9 of the Welfare and
40 Institutions Code).

(c) Before adopting a community child care plan, copies of the proposed plan shall be made available to the public and at least one public hearing on the plan shall be held.

(d) The local ~~planning council should~~ *child care commission shall* consult with the ~~local state-funded child care resource and referral program regarding the program's assistance in formulating the priorities for block grant funding and preparing the community child care plan.~~ To the extent that funds from the block grant may be allocated for coordination activities performed by resource and referral agencies, compensation may be provided to the program for additional activities beyond those already funded by the state county board of supervisors and the county board of education.

SEC. 29. Article 3.5 (commencing with Section 12545) is added to Chapter 6 of Division 3 of Title 2 of the Government Code, to read:

Article 3.5. Alien Sponsorship Enforcement Assistance

12545. (a) There is hereby established in the Department of Justice the Alien Sponsorship Enforcement Assistance Section.

(b) For purposes of this article, "section" means the Alien Sponsorship Enforcement Assistance Section in the department.

12546. The primary responsibility of the section shall be to assist sponsored aliens, local governments, and state agencies in the enforcement of affidavits of support executed pursuant to Section 423 of Public Law 104-193.

SEC. 30. Article 4 (commencing with Section 3100) is added to Chapter 8 of Title 1 of Part 3 of the Penal Code, to read:

Article 4. Subsistence Needs Program for Parolees

3100. The parole authority shall be responsible for meeting the needs of an indigent parolee during the parolee's first three years on parole.

1 SEC. 31. Chapter 3.85 (commencing with Section
2 10785) is added to Part 2 of Division 9 of the Welfare and
3 Institutions Code, to read:

4
5 CHAPTER 3.85. WELFARE ELIGIBILITY SIMPLIFICATION
6 COMMISSION
7

8 10785. (a) It is the intent of the Legislature, in
9 enacting this chapter, to dramatically simplify the
10 eligibility process for assistance services applicants.

11 (b) The Legislature, recognizing the depth of
12 expertise on public assistance issues among county
13 officials, calls upon the counties to play a leadership role
14 in recasting the current welfare system by making
15 recommendations to the Legislature and the Governor
16 on methods of simplifying the eligibility process.

17 (c) The Legislature finds and declares that, in
18 developing its recommendations, the Welfare Eligibility
19 Simplification Commission, as created by this chapter,
20 should make recommendations that simplify the
21 application process and the procedures for determining
22 eligibility through, among other things, eliminating
23 deprivation as a basis for benefits and creating a new
24 definition of need and family, in place of the deprivation
25 requirement, as well as ending the existing system of
26 retroactive budgeting and substituting a quarterly
27 prospective budgeting process.

28 10786. (a) There is hereby created in state
29 government the Welfare Eligibility Simplification
30 Commission.

31 (b) For purposes of this chapter, “commission” means
32 the Welfare Eligibility Simplification Commission.

33 (c) The commission shall be comprised of 11 members,
34 as follows:

35 (1) One member appointed by the President pro
36 Tempore of the Senate.

37 (2) One member appointed by the Speaker of the
38 Assembly.

39 (3) One member appointed jointly by the President
40 pro Tempore of the Senate and the Speaker of the

1 Assembly, who shall be from an organization that
2 represents public assistance recipients.

3 (4) Two members appointed by the Secretary of the
4 Health and Welfare Agency from the staff of that agency.

5 (5) Six members appointed by the Board of Directors
6 of the California State Association of Counties. At least
7 one of these members shall be a member of a county
8 board of supervisors, one shall be a county welfare
9 department director, and one shall be another county
10 official or employee.

11 (d) All appointments shall be made to the commission
12 by August 15, 1997.

13 10787. The commission shall be charged with making
14 recommendations to the Legislature and the Governor
15 on all of the following:

16 (a) Methods for revising existing eligibility rules and
17 standards for the purpose of specifying the application
18 eligibility process within and between state-administered
19 human and social services programs, including, but not
20 limited to, all of the following:

21 (1) The Aid to Families with Dependent Children
22 program or any successor program.

23 (2) The Medi-Cal program.

24 (3) The Food Stamp Program.

25 (4) General assistance.

26 (5) Child care.

27 (b) A simple income and assets policy to determine
28 eligibility for all public assistance applicants.

29 (c) An aid grant policy that recognizes regional
30 differences in the cost of living, including the cost of
31 maintaining adequate housing.

32 (d) A simplified policy for disregarding some of the
33 income of public assistance recipients, in order to
34 encourage work and self-sufficiency.

35 (e) As a substitute for use of deprivation as a ground
36 for eligibility, a policy for providing assistance to
37 nonneedy relative caretakers, including an income
38 ceiling.

1 (f) State and federal statutes and regulations that
2 require modification in order to implement the
3 commission's recommendations.

4 10788. The commission shall work as expeditiously as
5 possible in developing its recommendations. The
6 commission shall report its recommendations to the
7 Legislature and the Governor by December 31, 1997.

8 10789. This chapter shall become inoperative on July
9 1, 1998, and, as of January 1, 1999, is repealed, unless a later
10 enacted statute, that becomes operative on or before
11 January 1, 1999, deletes or extends the dates on which it
12 becomes inoperative and is repealed.

13 SEC. 32. Section 10800.5 is added to the Welfare and
14 Institutions Code, to read:

15 10800.5. A county may contract with a public or
16 private entity to provide any or all of the functions or
17 duties required to be performed by the county pursuant
18 to this division. Notwithstanding any other provision of
19 law, the county board of supervisors may also designate
20 another county entity to perform any function required
21 to be performed under this division by the county welfare
22 department. In addition, one or more counties may form
23 regional entities for purposes of administering this
24 division, or of performing any of the duties provided for
25 under this division.

26 SEC. 33. Section 11155.3 is added to the Welfare and
27 Institutions Code, to read:

28 11155.3. (a) For purposes of computing the aid grant
29 under Chapter 2 (commencing with Section 11200), a
30 county shall deduct valid business-related expenses from
31 business income calculated in determining eligibility for
32 aid under Chapter 2 (commencing with Section 11200),
33 provided that the expenses were incurred within 12
34 months of the month the income was earned.

35 (b) The following shall be considered allowable
36 business expenses for the purpose of computing the aid
37 grant under Chapter 2 (commencing with Section
38 11200):



1 (1) The purchase cost of inventory items, including
2 raw materials, when the manufactured item is sold or
3 when the inventory items are purchased.

4 (2) Transportation costs, computed on a per-mile or
5 actual cost basis. Allowable transportation expenses shall
6 include those expenses necessary to conduct business.

7 (3) The purchase price of capital equipment up to
8 three thousand dollars (\$3,000).

9 (4) Principal payments on any business loan necessary
10 to purchase equipment, inventory, or services required to
11 conduct the self-employed person's business.

12 (5) Expenses related to securing housing.

13 (c) (1) The department shall seek all appropriate
14 federal waivers for the implementation of this section. If
15 federal financial participation is jeopardized by any of the
16 provisions of this section, that provision shall not be
17 implemented.

18 (2) The department shall implement this section
19 commencing on the date the Director of Social Services
20 executes a declaration, that shall be retained by the
21 director, stating that the administrative actions required
22 by paragraph (1) as a condition of implementation of
23 subdivision (a) have been taken and the waiver has been
24 granted by the United States Secretary of Health and
25 Human Services.

26 SEC. 34. Section 11155.4 is added to the Welfare and
27 Institutions Code, to read:

28 11155.4. The state shall provide workers'
29 compensation benefits for every individual employed in
30 a county welfare to work program as a condition of
31 eligibility for benefits under the Aid to Families with
32 Dependent Children program or any successor program,
33 food stamps, or the State General Assistance Program.

34 SEC. 35. Section 11268.5 is added to the Welfare and
35 Institutions Code, to read:

36 11268.5. (a) As a condition of eligibility under this
37 chapter, each county shall require an applicant for, or
38 recipient of, benefits who has a prior felony conviction for
39 possession or use of a controlled substance to do both of
40 the following:

1 (1) Certify that he or she is drug free.

2 (2) Provide verification of successful completion of a
3 drug-treatment program or current participation in such
4 a program.

5 (b) A county may submit a request to the department
6 for reimbursement of costs incurred pursuant to
7 subdivision (a).

8 SEC. 36. Section 11274 of the Welfare and Institutions
9 Code is amended to read:

10 11274. (a) Notwithstanding Section 11271, for
11 purposes of this section, the following definitions shall
12 apply:

13 (1) “AFDC” benefits means benefits paid pursuant to
14 subdivision (a) of Section 11450.

15 (2) “Recipient” means a recipient of aid pursuant to
16 subdivision (a) of Section 11450.

17 (3) “Restricted payment” means payment of AFDC
18 benefits in the form of any of the following:

19 (A) A vendor payment to *any or all of the following*
20 *providers:*

21 (i) A provider of shelter ~~or~~

22 (ii) A provider of utilities, ~~or both~~.

23 (iii) A provider of services to meet the needs of
24 children.

25 (B) A two-party payment for rent or utilities, or both.

26 (4) “Two-party payment” means a check that is drawn
27 jointly to the order of the recipient and the service
28 provider and is negotiable only upon the endorsement of
29 both parties.

30 (5) “Vendor payment” means a voucher or check
31 drawn to the order of the service provider.

32 (6) “Sanction” means an action taken against a
33 recipient for failure to cooperate with paternity
34 determinations, establishment of support orders, or
35 personal responsibility contracts.

36 (b) A county may, at its option, provide restricted
37 payments for ~~AFDC aid~~ on behalf of a recipient to the
38 provider of shelter ~~or~~ utilities, ~~or both~~ *or services to meet*
39 *the needs of children*, if the county determines ~~that the~~
40 *any of the following:*

1 (1) The recipient has demonstrated ~~such~~ an inability
2 to manage funds so that payments to the relative have not
3 been or are not currently used in the best interest of the
4 child. A recipient shall be presumed to have mismanaged
5 funds when he or she has previously failed to pay rent
6 within the past 12 months, unless the failure was due to
7 a significant rent increase, a reasonable exercise of a
8 tenant's right to withhold rent for repair and deduct, or
9 domestic violence by a spouse, partner, or roommate.

10 (2) *The adult recipient in the assistance unit becomes*
11 *ineligible for assistance as the result of a durational limit*
12 *on assistance or a sanction.*

13 (3) *The recipient voluntarily requests the restricted*
14 *payment.*

15 (c) If the county, at its option, elects to establish a
16 program to provide restricted payments ~~to the provider~~
17 ~~of shelter or utilities, or both~~, the county shall do all of the
18 following:

19 (1) Provide restricted payments on behalf of
20 recipients who request them, in addition to making
21 involuntary restricted payments to those persons to
22 whom subdivision (b) applies.

23 (2) Continue voluntary restricted payments for not
24 less than three months, unless the county determines that
25 exceptional circumstances exist that require that the
26 restricted payments be ended earlier.

27 (3) If a recipient notifies the county at least two weeks
28 prior to the issuance of the next regular rental payment
29 that he or she wishes to exercise his or her right to
30 withhold rent due to untenable conditions, issue a
31 two-party check to the recipient requiring endorsement
32 of both the landlord and the recipient.

33 (4) If a recipient notifies the county at least two weeks
34 prior to the issuance of the next regular rental payment
35 that he or she wishes to exercise his or her right to repair
36 and deduct the money pursuant to Section 1942 of the
37 Civil Code, and the amount the tenant wishes to deduct,
38 deduct that amount from the restricted payment to the
39 landlord and add the amount to the recipient's grant
40 check.

(5) If a recipient notifies the county at least two weeks prior to the issuance of the next regular rental payment that he or she intends to move, provide the next regular rental payment to the new landlord. If the recipient indicates his or her intent to move but does not provide the name and address of the new landlord, the county shall terminate restricted payments for rent until the name and address of a new landlord is provided.

(d) *A county may disclose information relating to the status of a rental payment to a landlord who accepts a restricted payment.*

(e) Counties may provide restricted payments for rent under this section retroactively or prospectively.

(f) (1) In no case is a landlord entitled to payment under this section for days that the recipient was not residing at the landlord's property.

(2) If a landlord does receive a restricted payment pursuant to this section for days that the recipient did not reside at the landlord's property, the landlord shall remit to the county welfare department an amount that represents the overpaid rent.

(3) The county may not assess an overpayment against a recipient for payments made to a landlord for periods in which the recipient was not residing at that location.

(4) A landlord may not base an eviction or late fee upon failure to receive rent due to county administrative error.

(5) If the notice from the recipient is given less than two weeks prior to a move, the county shall pay the new landlord as soon as practicable.

(6) Nothing in this subdivision shall be construed to prevent a landlord accepting restricted payments from pursuing existing remedies against a tenant or former tenant for money that may be owed by the tenant to the landlord.

~~(e)~~

(g) Restricted payments shall expire after a period of 12 months, unless the recipient requests a continuation of that period or the county finds that the recipient continues to experience money management problems.

1 The county shall provide *timely* notification to the
2 recipient ~~within 30 days~~ of the ~~expiration~~ *termination* of
3 the restricted payment.

4 ~~(f)~~

5 (h) When restricted payments are provided on behalf
6 of a recipient, the county welfare department shall do all
7 of the following:

8 (1) Either of the following:

9 (A) Mail or deliver the voucher or check to the
10 recipient for delivery to the service provider.

11 (B) Mail or deliver the voucher or check directly to
12 the service provider.

13 (2) Provide timely notification to the recipient that
14 the restricted payment has been made.

15 (3) Refer the family to appropriate money
16 management services, where those services exist.

17 ~~(g)~~

18 (i) If the restricted payment involves a third party, the
19 third-party payee shall be an individual or organization
20 interested in, or concerned with, the recipient's welfare,
21 and shall not include any employees of the county welfare
22 department or parties who are vendors who stand to gain
23 financially from doing commercial business with the
24 recipient. To the extent possible, the selection of a
25 third-party payee shall be made by the recipient, or with
26 his or her participation and consent.

27 ~~(h)~~

28 (j) Any landlord who accepts a restricted payment of
29 AFDC benefits shall not require his or her tenant to pay
30 the last month's rent in advance or retain any portion of
31 the tenant's security deposit as rent owing.

32 ~~(i)~~

33 (k) (1) Nothing in this section shall be construed to
34 prevent a landlord who accepts a restricted payment of
35 rent pursuant to this section from charging a cleaning or
36 damage deposit, or a deposit for both cleaning and
37 damage, in an amount that does not exceed an amount
38 equal to rent for one month.

(2) Nothing in this section shall be construed to limit the rights of tenants provided under Section 1942 of the Civil Code.

~~(j)~~

(l) (1) The department shall seek all appropriate federal waivers for the implementation of this section.

(2) The department shall implement this section commencing on the date the Director of Social Services executes a declaration, that shall be retained by the director, stating that the administrative actions required by paragraph (1) as a condition of implementation of subdivisions (a) to (i), inclusive, have been taken by the director and the waivers have been obtained from the United States Secretary of Health and Human Services.

SEC. 37. Section 11320.3 of the Welfare and Institutions Code is amended to read:

11320.3. (a) Except as provided in subdivision (b), every individual, as a condition of eligibility for aid under this chapter *or Part 5.5 (commencing with Section 17550)*, shall register for participation under this article.

(b) The following individuals shall not be required to register:

(1) An individual under 16 years of age, except as provided in subdivision (b) of Section 11331.5, during the time that provision is operative.

(2) Except as provided in subdivision (b) of Section 11331.5, during the time that provision is operative, a child attending an elementary, secondary, vocational, or technical school on a full-time basis. A person who is 16 or 17 years of age, or a person described in subdivision (d) who loses this exemption, shall not requalify for the exemption by attending school as a required activity under this article. For purposes of this paragraph, school shall not include postsecondary education.

(3) An individual who is ill, incapacitated, or of advanced age.

(4) Except as provided in subdivision (b) of Section 11331.5, during the time that provision is operative, an individual so remote from a program activity that his or her effective participation is precluded.

1 (5) Except as provided in subdivision (b) of Section
2 11331.5, during the time that provision is operative, an
3 individual whose presence in the home is required
4 because of illness or incapacity of another member of the
5 household.

6 (6) Except as provided in subdivision (b) of Section
7 11331.5, during the time that provision is operative, a
8 parent or other relative who meets the criteria in
9 subparagraph (A) or (B).

10 (A) The parent or other relative has primary
11 responsibility for personally providing care to a child
12 under the age of three years. An individual may be
13 exempt only once for this reason during a period of
14 continuous eligibility for aid under this chapter. An
15 individual who has primary responsibility for personally
16 providing care to a child under three years of age, and
17 who has previously received this exemption, shall be
18 exempt for a period of four months, upon the birth or
19 adoption of a child. For purposes of this subparagraph, a
20 “period of continuous eligibility” ends only after a break
21 in eligibility for aid of six consecutive calendar months or
22 more. An individual meeting this criterion who
23 volunteers to register may not be required to participate
24 unless it is guaranteed that child care will be provided and
25 participation will not be required for more than 20 hours
26 per week.

27 (B) The parent or other relative has primary
28 responsibility for personally providing care to a child
29 aged three to five years, inclusive, unless it is guaranteed
30 that child care will be provided and, subject to
31 subparagraph (D), participation will not be required for
32 more than 20 hours per week.

33 (C) In a family eligible for aid under this chapter due
34 to the unemployment of the principal wage earner, the
35 exemption criteria contained in subparagraph (A) or (B)
36 shall be applied to only one parent.

37 (D) (i) The department shall seek a federal waiver of
38 the 20-hour weekly participation limit specified in
39 subparagraph (B).

1 (ii) The waiver sought pursuant to clause (i) may be
2 implemented only if the director executes a declaration,
3 which shall be retained by the director, specifying that
4 federal approval for the waiver of the 20-hour weekly
5 participation limit has been obtained, and only for the
6 duration of that approval.

7 (7) Except as provided in subdivision (b) of Section
8 11331.5, during the time that provision is operative, a
9 woman who is pregnant for whom it has been medically
10 verified that the anticipated delivery date is during the
11 month of required participation or is within the six-month
12 period immediately following the month of required
13 participation.

14 (8) Except as provided in subdivision (b) of Section
15 11331.5, during the time that provision is operative, an
16 individual who is earning at least the state or federal
17 minimum wage, whichever is higher, for working not less
18 than 30 hours per week in unsubsidized employment that
19 is expected to last a minimum of 30 days. The minimum
20 wage requirement shall apply to the net earnings of
21 self-employed individuals, and it shall not apply during
22 the first six months of self-employment or employment
23 that is compensated by commission. This exemption shall
24 continue to apply if there is a temporary break in full-time
25 employment that is expected to last no longer than 10
26 working days.

27 (9) An individual who is a full-time volunteer serving
28 under the Volunteers in Service to America (VISTA)
29 program, pursuant to Title 1 of the federal Domestic
30 Volunteer Service Act of 1973 (P.L. 93-113).

31 (c) Any individual not required to register may choose
32 to register voluntarily under this article, and may
33 withdraw that registration at any time without loss of
34 eligibility for aid under this chapter, if his or her status has
35 not changed in a way that would require registration.

36 (d) (1) Notwithstanding subdivision (a), a custodial
37 parent who is under 20 years of age and who has not
38 earned a high school diploma or its equivalent, and who
39 is not exempt or whose only basis for exemption is
40 subparagraph (A) of paragraph (6) of subdivision (b),



1 shall be required to register solely for the purpose of
2 earning a high school diploma or its equivalent. During
3 the time that Article 3.5 (commencing with Section
4 11331) is operative, this subdivision shall only apply to a
5 custodial parent who is 19 years of age.

6 (2) Notwithstanding subparagraph (B) of paragraph
7 (6) of subdivision (b), full-time participation shall be
8 required of the parent.

9 (3) Section 11325.25 shall apply to a custodial parent
10 who is 18 or 19 years of age and who is required to
11 participate under this article. Any referral pursuant to an
12 evaluation that results in an assignment to any training or
13 work activity shall be subject to subparagraph (B) of
14 paragraph (6) of subdivision (b).

15 (4) Custodial mothers under 20 years of age who have
16 not earned a high school diploma or its equivalent shall be
17 exempted due to incapacity as provided in paragraph (3)
18 of subdivision (b) after the birth of the child for a period
19 of postpartum recovery as prescribed by a physician.

20 (e) Notwithstanding paragraph (1) of subdivision (d),
21 the county may determine that participation in education
22 activities for the purpose of earning a high school diploma
23 or equivalent is inappropriate for an 18 or 19 year old
24 custodial parent only if that parent is reassigned pursuant
25 to an evaluation under Section 11325.25, or, at appraisal
26 is already in an educational or vocational training
27 program that is approvable as a self-initiated program as
28 specified in Section 11325.23. If that determination is
29 made, the parent shall be allowed to continue
30 participation in the self-initiated program subject to
31 Section 11325.23. During the time that Article 3.5
32 (commencing with Section 11331) is operative, this
33 subdivision shall only apply to a custodial parent who is 19
34 years of age.

35 SEC. 38. Section 11320.6 of the Welfare and
36 Institutions Code is amended to read:

37 11320.6. (a) County welfare departments shall
38 administer this article in a manner consistent with this
39 chapter and regulations adopted by the department in
40 order to implement this chapter.

1 (b) Each county welfare department, with the
2 cooperation of community college districts, county offices
3 of education, and local private industry councils
4 established under Chapter 4 (commencing with Section
5 15030) of Division 8 of the Unemployment Insurance
6 Code, shall maintain with the department a county plan
7 that describes a package of services to be provided to
8 participants receiving services under this article, and that
9 reflects available resources and local job market needs. A
10 joint plan may be maintained by two or more consenting
11 counties.

12 (c) *Each county may design its case plan in a manner*
13 *that best meets the county's local needs and conditions.*

14 (d) Each county plan shall include a participant and
15 labor market needs assessment that shall specify all of the
16 following:

17 (1) The full employment goal of the plan, which shall
18 be the provision of unsubsidized employment for all
19 county registrants subject to this article.

20 (2) An assessment of the county's current and
21 projected unsubsidized employment needs.

22 (3) An inventory of services, including those specified
23 in Section 11322.6, available to county residents.

24 (4) The amount and kind of services required to meet
25 the full employment goal for all registrants.

26 (5) The amount and kind of services that will be used
27 in the plan year.

28 (6) An assessment of what services are currently
29 unavailable and needed, including child care services, to
30 meet the full employment goal and a plan for developing
31 the availability of these services within a reasonable
32 period of time, including a proposed program budget.

33 ~~(d)~~

34 (e) (1) Each county plan shall specify the county's
35 annual performance objectives, including goals for the
36 achievement of outcomes as required by the department.
37 A county that fails to meet these goals shall submit to the
38 department for approval, as part of the plan update,
39 proposed changes in program operation that will enable
40 the county to meet its performance objectives.



1 (2) The county plan for the first fiscal year following
2 the effective date of this paragraph shall include the
3 county's goals for the number of job placements, grant
4 reductions, and terminations that reflect increased
5 income from employment. Counties shall also report
6 information regarding the number of licenses,
7 certificates, and degrees obtained by participants, and
8 the number of participants obtaining employment as a
9 result thereof. By June 30, 1996, the department shall
10 develop additional performance objectives based on
11 outcome measures that include, but are not limited to,
12 recidivism, job retention, wage and benefit levels, and the
13 time base of job placements.

14 ~~(e)~~

15 (f) If services are not available in the county, the
16 county plan may include provisions for the purchase of
17 services from other counties.

18 ~~(f)~~

19 (g) The department shall develop regulations for the
20 revision and update of the county plan.

21 ~~(g)~~

22 (h) Any county in which there is an Indian tribe which
23 operates a job opportunities and basic skills training
24 program approved by the federal Department of Health
25 and Human Services under the federal Family Support
26 Act of 1988 (P.L. 100-485) shall do all of the following:

27 (1) (A) Provide the tribe or tribes with information
28 on adult tribal AFDC recipients needed to determine the
29 eligible tribal population and to define the designated
30 service area.

31 (B) The confidentiality standards of Chapter 5
32 (commencing with Section 10850) shall apply to this
33 paragraph.

34 (2) Determine the eligibility of tribal members for
35 AFDC in accordance with Chapter 2 (commencing with
36 Section 11250).

37 (3) Refer all AFDC applicants and recipients who are
38 tribal members to the tribe's education, training, and
39 work program.

1 (4) Impose financial sanctions in accordance with
2 Section 11327.5.

3 (5) Provide child care referrals and payments,
4 including transitional child care, in accordance with
5 Chapter 2 (commencing with Section 11250).

6 (6) Enter into any agreements necessary to carry out
7 the activities specified in this subdivision.

8 SEC. 39. Section 11321.6 of the Welfare and
9 Institutions Code is amended to read:

10 11321.6. (a) ~~A county plan may provide that the~~
11 ~~program provided for in this article shall apply to~~
12 ~~recipients of aid under Part 5 (commencing with Section~~
13 ~~17000), except that no funds appropriated for purposes of~~
14 ~~this article shall be utilized for purposes of applying this~~
15 ~~article to these individuals.~~

16 ~~(b)~~ A county plan may also provide that the program
17 provided for in this article shall apply to refugees
18 receiving Refugee Cash Assistance.

19 ~~(c)~~

20 (b) The county shall maintain separate accounting
21 records of expenditures related to applicants for, and
22 recipients of, aid under this chapter, and for the
23 individuals to whom the program applies pursuant to
24 ~~subdivisions subdivision (a) and (b).~~ If a county elects to
25 apply the program provided for in this article to refugees
26 receiving Refugee Cash Assistance or to refugee
27 recipients of aid under Part 5 (commencing with Section
28 17000), costs of applying the program shall be funded
29 from the county's federal social services and targeted
30 assistance allocation as provided for under Chapter 5.5
31 (commencing with Section 13275).

32 ~~(d)~~

33 (c) If, pursuant to subdivision (a), a county elects to
34 apply the program provided for in this article to refugees
35 ~~or to recipients of aid under Part 5 (commencing with~~
36 ~~Section 17000),~~ these individuals shall have the same
37 rights, duties, and responsibilities that a participant has
38 who is an applicant for, or a recipient of, aid under this
39 chapter. ~~Any participation by general assistance~~
40 ~~recipients shall not constitute any actual or implied~~

~~responsibility for, or assumption of, costs of general assistance by the state.~~

SEC. 40. Section 11322.8 of the Welfare and Institutions Code is amended to read:

11322.8. As provided in the contract entered into between the county welfare department and the participant pursuant to this article, training and education services include, but are not limited to, all of the following:

(a) Job training, which shall include, but is not limited to, training in employer-specific job skills in a classroom or onsite setting, including training provided by local private industry council programs and community colleges.

(1) Payments to an employer for on-the-job training shall not exceed an average of 50 percent of the wages paid by the employer to the participant during the period of on-the-job training.

(2) A participant in on-the-job training shall be compensated by the employer at the same rates, including benefits and periodic increases as similarly situated employees or trainees, but not less than the higher of federal or state minimum wages.

(b) (1) Preemployment preparation, which shall include work for a public or nonprofit agency that shall help to provide basic job skills; enhance existing job skills in a position related to a participant's experience, training or education; or provide a needed community service. A preemployment preparation assignment shall not exceed 12 months.

(2) The participant shall continue to seek employment during the preemployment preparation assignment and may request job search services as described in Section 11322.6 subject to the limits specified in subdivision (f) of Section 11322.6.

(3) Except for persons subject to paragraph (4), the number of hours a person participates in a preemployment preparation program shall be determined by dividing his or her aid grant under this chapter, less any child support paid to the county, by the

1 average hourly wage for all job openings received by the
2 Employment Development Department. The average
3 hourly wage shall be updated annually every July 1. No
4 preemployment preparation assignment shall exceed 32
5 hours per week.

6 (4) If a person participates in a preemployment
7 preparation assignment for nine months, the number of
8 hours that person is required to participate shall be
9 recomputed by the county welfare department.
10 Beginning in the 10th month, the number of hours of
11 preemployment preparation shall be determined by
12 dividing a person's aid grant under this chapter, less any
13 child support paid to the county, by the prevailing rate of
14 pay for the same or similar job at the site to which the
15 person is assigned. In no case shall the prevailing rate of
16 pay fall below the average hourly wage for job openings
17 received by the Employment Development
18 Department, as provided in paragraph (3). No
19 preemployment preparation assignment shall exceed 32
20 hours per week.

21 (5) The county shall review the assignment after six
22 months and make revisions as necessary to ensure that it
23 continues to be consistent with the participant's contract
24 and effective in preparing the participant to attain his or
25 her employment goal.

26 (6) (A) If provided in a county plan approved
27 pursuant to Sections 11321 and 11321.2, and to the extent
28 federal financial participation is available for this
29 purpose, the county may reimburse employers for the
30 costs of supervising participants in preemployment
31 preparation assignments.

32 (B) The cost to reimburse employers for supervision
33 shall not exceed 10 percent of the total costs for
34 preemployment preparation activities, including county,
35 contract, or interagency agreement costs.

36 (C) The department shall seek a waiver from the
37 United States Department of Health and Human Services
38 to obtain approval and federal financial participation for
39 purposes of this paragraph.

(D) This paragraph shall only be operative for the duration of the waiver, as specified in the declaration that federal approval for the waiver has been obtained, which the director shall execute and retain.

(c) (1) Adult basic education, which shall include reading, writing, arithmetic, high school proficiency or general education development certificate instruction, and English-as-a-second-language, including vocational English-as-a-second-language, to the extent necessary to attain the participant's employment goal. Vocational English-as-a-second-language shall be intensive instruction in English for non-English speaking participants, coordinated with specific job training.

(2) Participants who need adult basic education for job training or employment shall be referred to appropriate service providers that include, but are not limited to, educational programs operated by school districts or county offices of education that have contracted with the Superintendent of Public Instruction to provide services to participants pursuant to Section 33117.5 of the Education Code.

(d) College and community college education, when that education provides employment skills training that can reasonably be expected to lead to employment.

(e) Grant diversion, which means public or private sector employment or on-the-job training at comparable wage rates, in which the recipient's cash grant, or a portion thereof, or the welfare grant savings from employment, is diverted to the employer as a wage subsidy, subsequent to the payment of wages to the participant.

(f) Supported work or transitional employment, which mean forms of grant diversion in which the recipient's cash grant, or a portion thereof, or the welfare grant savings from employment, is diverted to an intermediary service provider, subsequent to the payment of wages to the participant.

(g) Grant diversion, supported work, and transitional employment projects shall be administered so that:

1 (1) The recipient shall not receive less disposable
2 income than if he or she had not participated in the
3 project. “Disposable income” means the income
4 available to the recipient by adding the aid payment
5 acquired pursuant to this chapter and earnings from the
6 grant diversion project and subtracting the allowable
7 employment related expenses.

8 (2) The grant, a portion of the grant, or the estimated
9 savings due to the earnings from a grant diversion project
10 may be diverted into a special fund created by the county
11 welfare department for this purpose. An employer may
12 be reimbursed from the special fund pursuant to a
13 contract developed by the county welfare department or
14 the service delivery area with the employer.

15 (3) The county shall obtain agreements with
16 employers that participants will be employed upon
17 successful completion of the grant diversion, supported
18 work, or transitional employment period in any related
19 job openings, subject to the following provisions:

20 (A) Employers shall not discriminate against
21 participants on the basis of race, sex, national origin, age,
22 or disability.

23 (B) Except as provided in subdivisions (c) and (d) of
24 Section 11327.5, there shall be no interruption in receipt
25 of income, whether wages from the employer or aid
26 payments by the department, caused by an employer’s
27 conduct.

28 (4) No grant diversion, supported work, or transitional
29 employment program shall be implemented under this
30 article until a plan for such a program is approved by the
31 department. No plan for grant diversion, supported work,
32 or transitional employment programs shall be approved
33 if the plan would jeopardize federal financial
34 participation. Standards established by the department
35 for purposes of these programs shall not preclude a
36 significant portion of recipients from participation.

37 (5) A plan submitted under paragraph (4) shall
38 include provisions for immediate reissuance to the
39 recipient of any grant or portion of a grant paid to an
40 employer or intermediary, which has been lost due to

1 fraud, malfeasance, or theft on the part of the employer
2 or intermediary. This plan shall also include provisions for
3 reissuance to the recipient of any grant or portion of a
4 grant paid to an employer or intermediary, when the
5 recipient is determined to have had good cause for
6 declining to participate pursuant to Section 11328. In the
7 event that funds are lost due to fraud, malfeasance, or
8 theft by an employer, the county shall initiate an action
9 to recover from the employer or intermediary any of
10 those funds.

11 (6) To the extent required by federal law, a participant
12 may not be assigned to fill any established unfilled
13 position as part of a grant diversion, supported work, or
14 transitional employment program.

15 (h) *Community service employment.*

16 SEC. 41. Section 11323.2 of the Welfare and
17 Institutions Code is amended to read:

18 11323.2. (a) Necessary supportive services shall be
19 available to every participant in order to participate in
20 the program activity to which he or she is assigned or to
21 accept employment, except as otherwise provided in
22 Section 11500. As provided in the contract entered into
23 between the county and participant pursuant to this
24 article, supportive services ~~shall~~ *may* include all of the
25 following:

26 (1) ~~Child care. Paid child care shall be available to~~
27 ~~every participant with a dependent child in the assistance~~
28 ~~unit who needs paid child care if the child is under 13~~
29 ~~years of age or requires child care or supervision due to~~
30 ~~a physical, mental, or developmental disability or other~~
31 ~~similar condition as verified by the county welfare~~
32 ~~department, or who is under court supervision. Every~~
33 ~~participant with a dependent child in the assistance unit~~
34 ~~shall be eligible for paid child care. A child in foster care~~
35 ~~receiving benefits under Title IV-E of the federal Social~~
36 ~~Security Act (42 U.S.C.A. Sec. 670 et seq.) or a child who~~
37 ~~would become a dependent child except for the receipt~~
38 ~~of federal Supplemental Security Income benefits~~
39 ~~pursuant to Title XVI of the federal Social Security Act~~
40 ~~(42 U.S.C.A. Sec. 1381 et seq.) shall be deemed to be a~~

1 dependent child for the purposes of this paragraph. *The*
2 *Legislature finds and declares that all low-income*
3 *families working or seeking work should be eligible for*
4 *subsidized child care and development services. If*
5 *adequate funding is not provided for subsidized child*
6 *care and development services, priority for services shall*
7 *be as follows:*

8 (A) *First priority for state and federally subsidized*
9 *child care and development services shall be given to*
10 *neglected or abused children who are recipients of child*
11 *protective services.*

12 (B) *Priority for the remaining families shall be*
13 *determined by the local child care commission*
14 *established pursuant to the Education Code. Eligible*
15 *families include low-income families whose parents,*
16 *caretaker, or legal guardian are working or seeking work,*
17 *teen parents, low-income families whose parents,*
18 *caretaker, or legal guardian are engaged in approved*
19 *activities leading to employment, and families that are*
20 *experiencing short-term crisis that is locally defined.*

21 (2) Transportation costs, which shall be governed by
22 regional market rates as determined in accordance with
23 regulations established by the department.

24 (3) Ancillary expenses, which shall include the cost of
25 books, tools, clothing, fees, and other necessary costs.

26 (4) Personal counseling. A participant who has
27 personal or family problems that would affect the
28 outcome of the employment plan entered into pursuant
29 to this article shall, to the extent available, receive
30 necessary counseling or therapy to help him or her and
31 his or her family adjust to his or her job or training
32 assignment.

33 (b) (1) If provided in a county plan approved
34 pursuant to Sections 11321 and 11321.2, and to the extent
35 federal financial participation for purposes of this
36 subdivision is available, the county may continue to
37 provide case management and supportive services under
38 this section to former participants who become subject to
39 paragraph (8) of subdivision (b) of Section 11320.3. The
40 county may provide these services for up to the first 90

1 days of employment to the extent they are not available
2 from other sources and are needed for the individual to
3 retain the employment.

4 (2) The county shall not continue to apply this option
5 if the number of participants it is able to serve decreases
6 by 10 percent or more in any year after the option is
7 implemented.

8 (3) The department shall seek any waiver from the
9 United States Department of Health and Human Services
10 that is necessary to obtain approval and federal financial
11 participation for the services under this subdivision. If a
12 waiver is necessary, this subdivision shall only be
13 operative for the duration of the waiver, as specified in
14 the declaration that federal approval for the waiver has
15 been obtained, which the director shall execute and
16 retain.

17 SEC. 42. Section 11323.6 of the Welfare and
18 Institutions Code is amended to read:

19 11323.6. (a) The cost of child care services provided
20 under this article shall be governed by regional market
21 rates. Participants shall be allowed to choose legal child
22 care and the cost of that child care shall be reimbursed by
23 counties if the cost is within the regional market rate. For
24 purposes of this section, “regional market rate” means
25 care costing no more than 1.5 market standard deviations
26 above the mean cost of care for that region.

27 (b) Reimbursement to child care providers shall not
28 exceed the fee charged to private clients for the same
29 service. Reimbursement shall be made at a rate lower
30 than that charged to private clients for the same service
31 if the child care program agrees to charge a lower fee.

32 (c) Reimbursement shall be made on a per month, per
33 week, per day, or per hour basis depending upon the basis
34 used to charge private clients for the same service.

35 (d) (1) For purposes of this article, regional market
36 rates shall be determined in accordance with resource
37 and referral programs provided for under Article 2
38 (commencing with Section 8210) of Chapter 2 of Part 6
39 of the Education Code, and the Alternative Payment
40 Program provided for under Article 3 (commencing with

1 Section 8220) of Chapter 2 of Part 6 of the Education
2 Code. Participant plans shall include immediate referrals
3 to local resource and referral agencies, as appropriate.

4 (2) Counties shall not be bound by the child care rate
5 limits described in subdivision (a) when the care is
6 provided in a region where there are no more than two
7 child care providers of the type needed by the
8 participant.

9 (e) (1) ~~Day~~ *Child* care by family members shall be
10 encouraged, but the choice between licensed or exempt
11 ~~day child~~ care arrangements shall be made by the
12 recipient.

13 (2) Reimbursement shall not be made for child care
14 services when care is provided by parents, legal
15 guardians, or members of the assistance unit, including,
16 but not limited to, essential persons.

17 (f) A child care provider located on an Indian
18 reservation and exempted from state licensing
19 requirements shall meet the conditions specified in
20 Section 11324 and applicable tribal standards.

21 (g) *The Superintendent of Public Instruction, in*
22 *conjunction with the department, shall establish a sliding*
23 *fee schedule for families that shall be based on income,*
24 *and indexed by region per child and pursuant to which*
25 *there shall be a copayment for a child being provided*
26 *services by Child Protective Services who is residing with*
27 *his or her parents.*

28 SEC. 43. Section 11323.8 of the Welfare and
29 Institutions Code is amended to read:

30 11323.8. (a) Each county may contract with public
31 and private child care programs to provide any or all of
32 the services specified in this section.

33 (b) ~~County welfare departments shall be encouraged~~
34 ~~to contract with existing service providers for any or all~~
35 ~~child care services arrangements made pursuant to this~~
36 ~~article.~~ If the county ~~welfare department~~ elects to
37 contract with any child care provider which is also under
38 contract with the State Department of Education, these
39 contracts shall be consistent with, and shall not supersede,
40 all of the following:

1 (1) Chapter 2 (commencing with Section 8200) of Part
2 6 of the Education Code.

3 (2) Applicable provisions of Title 5 and Title 22 of the
4 California Code of Regulations.

5 (3) Applicable State Department of Education
6 contract provisions.

7 (c) In order to provide maximum choice to parents,
8 and to ensure the availability of child care, each county
9 shall do all of the following:

10 (1) Assist participants to locate child care during and
11 after participation under this article.

12 (2) Allow and promote parent choice by providing
13 flexibility in child care arrangements and establishing
14 payment arrangements, as necessary, to meet the cost of
15 licensed or exempt child care settings.

16 (3) Assist in the development of new child care
17 capacity, where needed.

18 (4) Provide for the continuity of child care during the
19 participant's postprogram transition period consistent
20 with Section 11500.

21 (5) Provide services to meet the child care needs of all
22 dependent children in the participant's family, pursuant
23 to subdivision (a) of Section 11323.2.

24 (6) Provide child care to participants whose program
25 demands flexible hours of care including evening,
26 weekends, and split shifts.

27 (7) To the extent possible provide for transportation of
28 children from school to care, if reasonable and necessary.

29 (d) Resource and referral programs, as specified in
30 subdivision (d) of Section 11323.6, shall assist the county
31 welfare departments to determine the child care needs
32 of program participants, provide them with a listing of
33 available child care services in the service area, and
34 facilitate the efforts of county welfare departments,
35 school districts, local child care providers and parent
36 groups for the expansion of child care services.

37 SEC. 44. Section 11324 of the Welfare and Institutions
38 Code is amended to read:

39 11324. (a) If the county ~~welfare—department~~ or a
40 contractor pays for child care services which are exempt

1 from licensure, all of the following information about the
2 care giver shall be on file with the county ~~welfare~~
3 ~~department~~ or the contractor and shall be made available
4 to the participant:

5 (1) The name and address of the care provider.

6 (2) The address where care is to be provided.

7 (3) The hours care is to be provided and the charge for
8 this care.

9 (4) The names, addresses, and telephone numbers of
10 two character references.

11 (5) A copy of a valid California driver's license or other
12 identification to establish that the care giver is at least 18
13 years old.

14 (6) A statement from the caregiver as to his or her
15 health education, experience or other qualification,
16 criminal record, and names and ages of other persons in
17 the home or providing care.

18 ~~(b) The county welfare department or the contractor~~
19 ~~shall utilize existing child care licensing or Greater~~
20 ~~Avenues for Independence program procedures in~~
21 ~~meeting the requirements of subdivision (a).~~

22 ~~(c) To the extent permitted by federal law, the county~~
23 ~~welfare department shall deny payment, or cause the~~
24 ~~contractor to deny payment, for child care services which~~
25 ~~are exempt from licensure if either of the following apply:~~

26 (1) The provider has been convicted of a violent
27 felony, as defined in subdivision (c) of Section 667.5 of the
28 Penal Code.

29 (2) The provider has been convicted of child abuse.

30 (d) If the child care provider selected by the
31 participant is denied payment, the participant may have
32 good cause for not participating as specified in subdivision
33 (i) of Section 11328.

34 SEC. 45. Section 11325.26 is added to the Welfare and
35 Institutions Code, to read:

36 11325.26. (a) If an individual not exempt from
37 participation under Section 11320.3 is unable to find
38 unsubsidized employment after participating under this
39 article for a period of 24 months, the recipient shall
40 participate in a combination of subsidized employment

1 and job search services, so that the participant is
2 participating a total of 40 hours per week, except that this
3 24-month period may be extended by the county for an
4 additional six months if it is determined that the extension
5 is likely to enable the recipient to obtain unsubsidized
6 employment.

7 (b) For purposes of this section, “subsidized
8 employment” means job training services, grant
9 diversion, preemployment preparation, supported work,
10 transitional employment, community service work,
11 public sector employment, and work in sheltered
12 workshops.

13 SEC. 46. Section 11450.019 of the Welfare and
14 Institutions Code is repealed.

15 ~~11450.019. Effective the first day of the month~~
16 ~~following 90 days after a change in federal law that allows~~
17 ~~states to reduce aid payments without any risk to federal~~
18 ~~funding under Title XIX of the Social Security Act~~
19 ~~contained in Subchapter XIX (commencing with Section~~
20 ~~1396) of Chapter 7 of Title 42 of the United States Code,~~
21 ~~the reductions in maximum aid payments specified in~~
22 ~~Section 11450.01, 11450.015, and 11450.017 shall not be~~
23 ~~applied when all of the parents or caretaker relatives of~~
24 ~~the aided child living in the home of the aided child meet~~
25 ~~one of the following conditions:~~

26 ~~(a) The individual is disabled and receiving benefits~~
27 ~~under Section 12200 or 12300.~~

28 ~~(b) The individual is a nonparent caretaker who is not~~
29 ~~included in the assistance unit with the child.~~

30 ~~(c) The individual is disabled and is receiving State~~
31 ~~Disability Insurance benefits or Worker’s Compensation~~
32 ~~Temporary Disability benefits.~~

33 SEC. 47. Section 11450.019 is added to the Welfare and
34 Institutions Code, to read:

35 11450.019. In addition to the regional grant
36 differentials provided for in this chapter, the department
37 shall provide for an aid grant adjustment pursuant to this
38 chapter based on the cost of shelter throughout the state.

39 SEC. 48. Section 11450.6 of the Welfare and
40 Institutions Code is repealed.

1 ~~11450.6. Out of any money made available under the~~
2 ~~provisions of Item 282 of the Budget Act of 1968, the~~
3 ~~department shall allocate to the county departments,~~
4 ~~together with any federal funds available, an amount~~
5 ~~equal to the nonfederal share of the total cost of child care~~
6 ~~services pursuant to this section. To the extent of funds so~~
7 ~~allocated, each county department shall provide child~~
8 ~~care services subject to the regulations of the State~~
9 ~~Department of Social Services for persons receiving aid~~
10 ~~under this chapter who are in need of such services~~
11 ~~because they are engaged in, or, if provided such services,~~
12 ~~could engage in a work incentive program or approved~~
13 ~~vocational development program.~~

14 SEC. 49. Section 11451.6 of the Welfare and
15 Institutions Code is repealed.

16 ~~11451.6. Notwithstanding Section 11008, any~~
17 ~~exemption from earned income for work-related child~~
18 ~~care expenses shall be limited to the reasonable and~~
19 ~~necessary costs for child care for children during such~~
20 ~~times that the Superintendent of Public Instruction~~
21 ~~advises the welfare director of the county that he is~~
22 ~~unable to provide child care for each child eligible for~~
23 ~~services under Division 12.5 (commencing with Section~~
24 ~~16700) of the Education Code. For purposes of this~~
25 ~~section, reasonable and necessary costs of child care are~~
26 ~~defined as actual costs, not to exceed the maximum~~
27 ~~allowance under federal law.~~

28 ~~To the maximum extent possible, child care shall be~~
29 ~~provided as a service cost pursuant to Division 12.5~~
30 ~~(commencing with Section 16700) of Part 3 of the~~
31 ~~Education Code.~~

32 SEC. 50. Section 11451.7 of the Welfare and
33 Institutions Code is repealed.

34 ~~11451.7. There shall be paid to each family eligible~~
35 ~~under this chapter, together with the amounts paid~~
36 ~~pursuant to Section 11450, a supplemental child care~~
37 ~~payment, to the maximum extent consistent with federal~~
38 ~~law and subject to federal financial participation.~~

39 SEC. 51. Section 11479.1 is added to the Welfare and
40 Institutions Code, to read:

1 11479.1. (a) In establishing a child support order in a
2 case involving a custodial parent receiving benefits under
3 this chapter, the judge shall require that the noncustodial
4 parent be referred to job search services.

5 (b) It is the intent of the Legislature to provide
6 counties with additional funding to ensure sufficient
7 resources are available to provide job search services to
8 noncustodial parents to whom subdivision (a) applies.

9 SEC. 52. Section 11500 of the Welfare and Institutions
10 Code is amended to read:

11 11500. (a) The Legislature finds and declares that
12 transitional child care is crucial for working families who
13 are undergoing the difficult transition from ~~aid to families~~
14 ~~with dependent children to independence~~ *welfare to*
15 *work*. The cost of child care is known to be one of the most
16 formidable barriers to permanent independence for
17 low-income families with young children. Without
18 adequate child care, many low-income families will be
19 unable to remain independent even after finding
20 employment. Therefore, it is in the state's financial best
21 interest to increase the probability that all ~~families~~
22 ~~entitled to this benefit receive it~~ *low-income families*
23 *receive access to subsidized child care* and that
24 disruptions of child care aid be minimized.

25 (b) ~~The Legislature emphasizes the importance of~~
26 ~~meeting the federal requirements of informing all~~
27 ~~applicants and recipients of aid to families with~~
28 ~~dependent children as to the availability of the~~
29 ~~transitional child care program at the time of application~~
30 ~~and redetermination, as well as informing all potentially~~
31 ~~eligible families at the time of discontinuance of aid. The~~
32 ~~Legislature intends that the information be given at any~~
33 ~~other time that will effectively assist families in planning~~
34 ~~their child care needs in advance of termination of aid.~~

35 (c) ~~The Legislature finds and declares all of the~~
36 ~~following:~~

37 (1) ~~The coordination of GAIN child care services and~~
38 ~~transitional child care is of paramount importance.~~

39 (2) ~~For GAIN participants who become immediately~~
40 ~~eligible for transitional child care services upon~~

1 employment, coordination of the child care services is
2 necessary to ensure continuity of care throughout the
3 transition period.

4 (3) Continuity of care is important both to enable the
5 parents to maintain their employment and to contribute
6 to a stable environment for their children.

7 (4) It is more efficient to use existing GAIN systems
8 and procedures, where allowed under federal law, to
9 administer the transitional child care program.

10 (5) Requiring counties to build on their GAIN child
11 care programs in administering the transitional child care
12 program will minimize the need for families and service
13 providers to learn new rules and procedures that often
14 interfere with making services truly accessible to families
15 and smoothly delivering those services.

16 (d) (1) The Legislature emphasizes the importance
17 of minimizing the paperwork in the transitional child
18 care program.

19 (2) To the extent the family requests program benefits
20 in the same county where the family received AFDC
21 benefits, the county should not require new verifications
22 of eligibility when the county has a valid verification for
23 that eligibility available in the AFDC case record.

24 (e) The Legislature emphasizes the importance of
25 ensuring the program is easily accessible to families by
26 encouraging a mail-in process for requesting benefits
27 whenever the county has sufficient information and
28 current verifications to determine program eligibility
29 without an in-person interview. *The Legislature finds*
30 *and declares that all low-income families working or*
31 *seeking work should be eligible for subsidized child care*
32 *and development services.*

33 (c) *If adequate funding is not provided for subsidized*
34 *child care and development services, priority for services*
35 *shall be as follows:*

36 (1) *First priority for state and federally subsidized*
37 *child care and development services shall be given to*
38 *neglected or abused children who are recipients of child*
39 *protective services.*

(2) *Priority for the remaining families shall be determined by the local child care commission established pursuant to the Education Code. Eligible families include low-income families whose parents, caretaker, or legal guardian are working or seeking work, teen parents, low-income families whose parents, caretaker, or legal guardian are engaged in approved activities leading to employment, and families that are experiencing short-term crisis that is locally defined.*

SEC. 53. Section 12305.6 is added to the Welfare and Institutions Code, to read:

12305.6. (a) Notwithstanding any other provision of law, any person specified in subdivision (b) shall be eligible for in-home supportive services under this chapter.

(b) Subdivision (a) shall apply to any person who meets all of the following requirements:

(1) He or she is not eligible for benefits under this chapter because of the provisions of federal Public Law 104-193 affecting eligibility under Title XVI of the Social Security Act (Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code).

(2) He or she would be eligible for benefits under this chapter but for the provisions of federal Public Law 104-193 affecting eligibility under Title XVI of the Social Security Act.

(3) He or she continues to meet all other applicable eligibility and disability criteria for receiving benefits under this chapter.

SEC. 54. Article 7.5 (commencing with Section 12330) is added to Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 7.5. Citizenship Assistance to Needy Legal Immigrants

12330. The Legislature finds and declares all of the following:

(a) It is in the best interest of the state to help its legal immigrant residents in becoming United States citizens.

1 (b) The United States was founded by immigrants
2 seeking a better life for themselves and their families.

3 (c) These new residents have enriched our state with
4 their labor, new ideas, inventions, and cultural traditions.

5 (d) Citizenship is the cornerstone of full participation
6 in our democracy.

7 (e) To become a United States citizen through
8 naturalization represents a pledge to undertake the
9 responsibilities of being a full member of our national
10 community.

11 (f) Naturalization is the best example of our nation's
12 legal immigration system at work.

13 (g) It reflects our society's recognition of those who
14 came to this country to work hard, play by the rules, and
15 pursue ideals of freedom, opportunity, and responsibility.

16 (h) Title IV of the federal Personal Responsibility and
17 Work Opportunity Reconciliation Act of 1996 (Public
18 Law 104-193), makes legal noncitizens, with limited
19 exceptions, ineligible for federal Supplemental Security
20 Income and State Supplementary Program for the Aged,
21 Blind, and Disabled (SSI/SSP) benefits and for food
22 stamp benefits.

23 (i) Legal noncitizens can regain eligibility for all
24 federally funded benefits by becoming naturalized
25 United States citizens.

26 (j) In California, it is estimated that nearly 250,000
27 aged, blind, and disabled noncitizens will lose SSI/SSP
28 benefits and an even greater number of other noncitizens
29 will lose food stamp benefits, unless they become United
30 States citizens.

31 (k) The loss of SSI/SSP and food stamp benefits will
32 endanger the health and well-being of indigent legal
33 noncitizens.

34 (l) Based on Congressional Budget Office estimates
35 that assume that naturalization rates will increase, the
36 new prohibition on SSI and food stamp benefits to legal
37 noncitizens will result in a total loss of approximately
38 \$7,000,000,000 in federal payments to noncitizens in
39 California over a six-year period.

1 (m) The loss of federal dollars to California of this
2 magnitude would have a detrimental effect upon
3 California's economy and state and local tax revenues.

4 (n) Legal noncitizens who are aged, blind, and
5 disabled are in special need of assistance in becoming
6 citizens.

7 12331. The department shall establish the California
8 Citizenship Assistance Program for the purpose of
9 providing outreach and assistance to needy legal
10 noncitizens in becoming United States citizens.

11 12332. (a) The department shall allocate funds to
12 counties for services authorized by this article.

13 (b) Each county may contract with other public or
14 private agencies for the administration of the program
15 and for the provision of services.

16 12333. Services for which funds may be used under
17 this article shall include, but not be limited to, all of the
18 following:

19 (a) Identification of needy noncitizens who are
20 potentially eligible for naturalization.

21 (b) Outreach to these noncitizens.

22 (c) Information and referral services.

23 (d) Training of noncitizenship assistance center staff.

24 (e) Coordination of countywide citizenship assistance
25 activities.

26 (f) Assistance to individuals in completing the
27 naturalization process.

28 (g) Administrative costs.

29 12334. Counties, local education agencies, and other
30 providers of citizenship training shall collaborate in
31 implementing this article.

32 12335. (a) There is hereby appropriated from the
33 General Fund the sum of ____ dollars (\$____) to
34 the department in order to implement this article during
35 the 1997-98 fiscal year.

36 (b) Funding for implementation of this article for
37 subsequent fiscal years shall be provided pursuant to the
38 annual Budget Act.

1 SEC. 55. Chapter 5.05 (commencing with Section
2 12800) is added to Part 3 of Division 9 of the Welfare and
3 Institutions Code, to read:

4
5 CHAPTER 5.05. CASH ASSISTANCE FOR LEGAL IMMIGRANTS
6

7 12800. The Legislature finds and declares all of the
8 following:

9 (a) Title IV of the federal Personal Responsibility and
10 Work Opportunity Reconciliation Act of 1996 (Public
11 Law 104-193), makes legal noncitizens, with limited
12 exceptions, ineligible for federal Supplemental Security
13 Income and State Supplementary Program for the Aged,
14 Blind, and Disabled (SSI/SSP) benefits.

15 (b) The State Department of Social Services estimates
16 that roughly two-thirds of all noncitizen SSI/SSP
17 recipients who are subject to the new benefit prohibition
18 will become naturalized citizens, leaving approximately
19 87,000 legal noncitizens who will lose SSI/SSP benefits
20 during the 1997–98 fiscal year as a result of the enactment
21 of P.L. 104-193.

22 (c) According to estimates by the department, the loss
23 of SSP benefits by these noncitizens will result in
24 \$153,388,000 in General Fund savings in the 1997–98 fiscal
25 year.

26 (d) Immigration has enriched California, and it would
27 be a gross inequity to deny essential safety net services to
28 immigrants who lawfully entered our country and who
29 pay taxes and contribute to the state's economy.

30 (e) Few, if any, aged, blind, or disabled legal
31 noncitizens who lose SSI/SSP benefits can become
32 self-supporting through employment, so that the loss of
33 these benefits will endanger their basic subsistence and
34 health.

35 (f) The state should fund basic subsistence services to
36 aged, blind, or disabled legal noncitizens who have no
37 other financial means of support, and who have not yet
38 been able to become naturalized citizens.

39 12801. Any needy aged, blind, or disabled noncitizen
40 who would be eligible for benefits under Chapter 2

1 (commencing with Section 12000) of Part 3, except for
2 Title IV of Public Law 104-193 that affect his or her
3 eligibility for these benefits, shall be eligible for a
4 state-only program of subsistence benefits, as provided
5 for in this chapter.

6 12802. The department shall administer this chapter,
7 except that the department shall seek to enter into a
8 contract with the federal Social Security Administration
9 to administer and make subsistence payments on behalf
10 of the state under this chapter.

11 12803. There is hereby appropriated from the
12 General Fund to the department, in each fiscal year, an
13 amount equal to 100 percent of the aid grant and
14 administrative costs incurred pursuant to this chapter.

15 SEC. 56. Section 14132.95 of the Welfare and
16 Institutions Code is amended to read:

17 14132.95. (a) Personal care services, when provided
18 to a categorically needy person as defined in Section
19 14050.1 *and any other category of person that would be*
20 *eligible for the full scope of Medi-Cal benefits without a*
21 *share of cost, or to any person for whom coverage would*
22 *be mandatory under Title XIX of the Social Security Act*
23 *(Subchapter 19 (commencing with Section 1396) of*
24 *Chapter 7 of Title 42 of the United States Code), but for*
25 *the provisions of Public Law 104-193 affecting eligibility*
26 *under Title XVI of the Social Security Act (Subchapter 16*
27 *(commencing with Section 1381) of Chapter 7 of Title 42*
28 *of the United States Code), is a covered benefit to the*
29 extent federal financial participation is available if these
30 services are:

31 (1) Provided in the beneficiary's home and other
32 locations as may be authorized by the director subject to
33 federal approval.

34 (2) Authorized by county social services staff in
35 accordance with a plan of treatment.

36 (3) Provided by a qualified person.

37 (4) Provided to a beneficiary who has a chronic,
38 disabling condition that causes functional impairment
39 that is expected to last at least 12 consecutive months or
40 that is expected to result in death within 12 months and

1 who is unable to remain safely at home without the
2 services described in this section.

3 (b) The department shall seek federal approval of a
4 state plan amendment necessary to include personal care
5 as a medicaid service pursuant to subdivision (f) of
6 Section 440.170 of Title 42 of the Code of Federal
7 Regulations.

8 (c) Subdivision (a) shall not be implemented unless
9 the department has obtained federal approval of the state
10 plan amendment described in subdivision (b), and the
11 Department of Finance has determined, and has
12 informed the department in writing, that the
13 implementation of this section will not result in additional
14 costs to the state relative to state appropriation for
15 in-home supportive services under Article 7
16 (commencing with Section 12300) of Chapter 3, in the
17 1992–93 fiscal year.

18 (d) (1) For purposes of this section, personal care
19 services shall mean all of the following:

20 (A) Assistance with ambulation.

21 (B) Bathing, oral hygiene, and grooming.

22 (C) Dressing.

23 (D) Care and assistance with prosthetic devices.

24 (E) Bowel, bladder, and menstrual care.

25 (F) Skin care.

26 (G) Repositioning, range of motion exercises, and
27 transfers.

28 (H) Feeding and assurance of adequate fluid intake.

29 (I) Respiration.

30 (J) Paramedical services.

31 (K) Assistance with self-administration of
32 medications.

33 (2) Ancillary services including meal preparation and
34 cleanup, routine laundry, shopping for food and other
35 necessities, and domestic services may also be provided
36 as long as these ancillary services are subordinate to
37 personal care services. Ancillary services may not be
38 provided separately from the basic personal care services.

39 (e) (1) (A) After consulting with the State
40 Department of Social Services, the department shall

1 adopt emergency regulations to establish the amount,
2 scope, and duration of personal care services available to
3 persons described in subdivision (a) in the fiscal year
4 whenever the department determines that General
5 Fund expenditures for personal care services provided
6 under this section and expenditures of both General
7 Fund moneys and federal funds received under Title XX
8 of the federal Social Security Act for services pursuant to
9 Article 7 (commencing with Section 12300) of Chapter 3,
10 are expected to exceed the General Fund appropriation
11 and the federal appropriation under Title XX of the
12 federal Social Security Act provided for the 1992–93 fiscal
13 year pursuant to Article 7 (commencing with Section
14 12300) of Chapter 3, as it read on June 30, 1992, as adjusted
15 for caseload growth or as increased in the Budget Act or
16 appropriated by statute. At least 30 days prior to filing
17 these regulations with the Secretary of State, the
18 department shall give notice of the expected content of
19 these regulations to the fiscal committees of both houses
20 of the Legislature.

21 (B) In establishing the amount, scope, and duration of
22 personal care services, the department shall ensure that
23 General Fund expenditures for personal care services
24 provided for under this section and expenditures of both
25 General Fund moneys and federal funds received under
26 Title XX of the federal Social Security Act for services
27 pursuant to Article 7 (commencing with Section 12300)
28 of Chapter 3, do not exceed the General Fund
29 appropriation and the federal appropriation under Title
30 XX of the federal Social Security Act provided for the
31 1992–93 fiscal year pursuant to Article 7 (commencing
32 with Section 12300) of Chapter 3, as it read on June 30,
33 1992, as adjusted for caseload growth or as increased in the
34 Budget Act or appropriated by statute.

35 (C) For purposes of this subdivision, “caseload
36 growth” means an adjustment factor determined by the
37 department based on (1) growth in the number of
38 persons eligible for benefits under Chapter 3
39 (commencing with Section 12000) on the basis of their
40 disability, (2) the average increase in the number of

1 hours in the program established pursuant to Article 7
2 (commencing with Section 12300) of Chapter 3 in the
3 1988–89 to 1992–93 fiscal years, inclusive, due to the level
4 of impairment, and (3) any increase in program costs that
5 is required by an increase in the mandatory minimum
6 wage.

7 (2) In establishing the amount, scope, and duration of
8 personal care services pursuant to this subdivision, the
9 department may define and take into account, among
10 other things:

11 (A) The extent to which the particular personal care
12 services are essential or nonessential.

13 (B) Standards establishing the medical necessity of the
14 services to be provided.

15 (C) Utilization controls.

16 (D) A minimum number of hours of personal care
17 services that must first be assessed as needed as a
18 condition of receiving personal care services pursuant to
19 this section.

20 The level of personal care services shall be established
21 so as to avoid, to the extent feasible within budgetary
22 constraints, medical out-of-home placements.

23 (3) To the extent that General Fund expenditures for
24 services provided under this section and expenditures of
25 both General Fund moneys and federal funds received
26 under Title XX of the federal Social Security Act for
27 services pursuant to Article 7 (commencing with Section
28 12300) of Chapter 3 in the 1992–93 fiscal year, adjusted for
29 caseload growth, exceed General Fund expenditures for
30 services provided under this section and expenditures of
31 both General Fund moneys and federal funds received
32 under Title XX of the federal Social Security Act for
33 services pursuant to Article 7 (commencing with Section
34 12300) of Chapter 3 in any fiscal year, the excess of these
35 funds shall be expended for any purpose as directed in the
36 Budget Act or as otherwise statutorily disbursed by the
37 Legislature.

38 (f) Services pursuant to this section shall be rendered,
39 under the administrative direction of the State
40 Department of Social Services, in the manner authorized

1 in Article 7 (commencing with Section 12300) of Chapter
2 3, for the In-Home Supportive Services program. A
3 provider of personal care services shall be qualified to
4 provide the service and shall be a person other than a
5 member of the family. For purposes of this section, a
6 family member means a parent of a minor child or a
7 spouse.

8 (g) A beneficiary who is eligible for assistance under
9 this section shall receive services that do not exceed 283
10 hours per month of personal care services.

11 (h) Personal care services shall not be provided to
12 residents of facilities licensed by the department, and
13 shall not be provided to residents of a community care
14 facility or a residential care facility for the elderly licensed
15 by the Community Care Licensing Division of the State
16 Department of Social Services.

17 (i) Subject to any limitations that may be imposed
18 pursuant to subdivision (e), determination of need and
19 authorization for services shall be performed in
20 accordance with Article 7 (commencing with Section
21 12300) of Chapter 3.

22 (j) (1) To the extent permitted by federal law,
23 reimbursement rates for personal care services shall be
24 equal to the rates in each county for the same mode of
25 services in the In-Home Supportive Services program
26 pursuant to Article 7 (commencing with Section 12300)
27 of Chapter 3, plus any increase provided in the annual
28 Budget Act for personal care services rates or included in
29 a county budget pursuant to paragraph (2).

30 (2) (A) The department shall establish a provider
31 reimbursement rate methodology to determine payment
32 rates for the individual provider mode of service that does
33 all of the following:

34 (i) Is consistent with the functions and duties of
35 entities created pursuant to Section 12301.6.

36 (ii) Makes any additional expenditure of state general
37 funds subject to appropriation in the annual Budget Act.

38 (iii) Permits county-only funds to draw down federal
39 financial participation consistent with federal law.

1 (B) This ratesetting method shall be in effect in time
2 for any rate increases to be included in the annual Budget
3 Act.

4 (C) The department may, in establishing the
5 ratesetting method required by subparagraph (A), do
6 both of the following:

7 (i) Deem the market rate for like work in each county,
8 as determined by the Employment Development
9 Department, to be the cap for increases in payment rates
10 for individual practitioner services.

11 (ii) Provide for consideration of county input
12 concerning the rate necessary to ensure access to services
13 in that county.

14 (D) If an increase in individual practitioner rates is
15 included in the annual Budget Act, the state-county
16 sharing ratio shall be as established in Section 12306. If the
17 annual Budget Act does not include an increase in
18 individual practitioner rates, a county may use
19 county-only funds to meet federal financial participation
20 requirements consistent with federal law.

21 (3) (A) By November 1, 1993, the department shall
22 submit a state plan amendment to the federal Health
23 Care Financing Administration to implement this
24 subdivision. To the extent that any element or
25 requirement of this subdivision is not approved, the
26 department shall submit a request to the federal Health
27 Care Financing Administration for such waivers as would
28 be necessary to implement this subdivision.

29 (B) The provider reimbursement ratesetting
30 methodology authorized by the amendments to this
31 subdivision in the 1993–94 Regular Session of the
32 Legislature shall not be operative until all necessary
33 federal approvals have been obtained.

34 (k) (1) The State Department of Social Services shall,
35 by September 1, 1993, notify the following persons that
36 they are eligible to participate in the personal care
37 services program:

38 (A) Persons eligible for services pursuant to the Pickle
39 Amendment, as adopted October 28, 1976.



(B) Persons eligible for services pursuant to subsection (c) of Section 1383c of Title 42 of the United States Code.

(2) The State Department of Social Services shall, by September 1, 1993, notify persons to whom paragraph (1) applies and who receive advance payment for in-home supportive services that they will qualify for services under this section without a share of cost if they elect to accept payment for services on an arrears rather than an advance payment basis.

(3) Upon request by the board of supervisors, of the funds in the subaccount created pursuant to Section 17600.110, the Controller shall allocate the following amounts for the establishment of an entity specified in Section 12301.6:

(A) Two hundred fifty thousand dollars (\$250,000) each to a county of the fourth, sixth, and tenth class.

(B) Two million dollars (\$2,000,000) to a county of the first class.

(C) Five hundred fifty thousand dollars (\$550,000) shall be allocated to counties, in the order of application by counties for these funds, as follows:

(i) Not more than one hundred thousand dollars (\$100,000) may be allocated to a county with a total of fewer than 3,000 recipients of services under this section and Article 7 (commencing with Section 12300) of Chapter 3.

(ii) Not more than two hundred thousand dollars (\$200,000) may be allocated to a county with a total of more than 3,000 recipients of services under this section and Article 7 (commencing with Section 12300) of Chapter 3.

(iii) A county to whom either subparagraph (A) or (B) applies shall not be eligible for funds under this subparagraph.

(l) An individual who is eligible for services subject to the maximum amount specified in subdivision (b) of Section 12303.4 shall be given the option of hiring his or her own provider.

(m) The county welfare department shall inform in writing any individual who is potentially eligible for

1 services under this section of his or her right to the
2 services.

3 (n) It is the intent of the Legislature that this entire
4 section be an inseparable whole and that no part of it be
5 severable. If any portion of this section is found to be
6 invalid, as determined by a final judgment of a court of
7 competent jurisdiction, this section shall become
8 inoperative.

9 (o) Paragraphs (2) and (3) of subdivision (a) shall be
10 implemented so as to conform to federal law authorizing
11 their implementation.

12 (p) This section shall become inoperative on July 1,
13 1998, and, as of January 1, 1999, is repealed, unless a later
14 enacted statute, which becomes effective on or before
15 January 1, 1999, deletes or extends the dates on which it
16 becomes inoperative and is repealed.

17 SEC. 57. Section 17000 of the Welfare and Institutions
18 Code is amended to read:

19 17000. Every county and every city and county shall
20 ~~relieve and support~~ *provide emergency medical services*
21 *and those medical services necessary to alleviate severe*
22 *pain to all incompetent, poor, indigent persons, and those*
23 *incapacitated by age, disease, or accident, lawfully*
24 *resident therein, when such persons are not supported*
25 ~~and or~~ *relieved by their relatives or friends, by their own*
26 *means, or by state hospitals or other state or private*
27 *institutions, by federal or state funded public medical or*
28 *social services programs, or by private hospitals pursuant*
29 *to Section 1317 of the Health and Safety Code.*

30 SEC. 58. Section 17000.5 of the Welfare and
31 Institutions Code is repealed.

32 ~~17000.5. (a) The board of supervisors in any county~~
33 ~~may adopt a general assistance standard of aid, including~~
34 ~~the value of in-kind aid which includes, but is not limited~~
35 ~~to, the monthly actuarial value of up to forty dollars (\$40)~~
36 ~~per month of medical care, that is 62 percent of a~~
37 ~~guideline that is equal to the 1991 federal official poverty~~
38 ~~line and may annually adjust that guideline in an amount~~
39 ~~equal to any adjustment provided under Chapter 2~~
40 ~~(commencing with Section 11200) of Part 3 for~~

~~1 establishing a maximum aid level in the county. This~~
~~2 subdivision is not intended to either limit or expand the~~
~~3 extent of the duty of counties to provide health care.~~

~~4 (b) The adoption of a standard of aid pursuant to this~~
~~5 section shall constitute a sufficient standard of aid.~~

~~6 (c) For purposes of this section, “federal official~~
~~7 poverty line” means the same as it is defined in subsection~~
~~8 (2) of Section 9902 of Title 42 of the United States Code.~~

~~9 (d) For purposes of this section, “any adjustment”~~
~~10 includes, and, prior to the addition of this subdivision,~~
~~11 included statutory increases, decreases, or reductions in~~
~~12 the maximum aid level in the county under the Aid to~~
~~13 Families with Dependent Children program contained in~~
~~14 Chapter 2 (commencing with Section 11200) of Part 3.~~

~~15 (e) In the event that adjustments pursuant to Section~~
~~16 11450.02 are not made, the amounts established pursuant~~
~~17 to subdivision (a) may be adjusted to reflect the relative~~
~~18 cost of housing in various counties as follows:~~

~~19 (1) Reduced by 1.5 percent in the Counties of~~
~~20 Alameda, Contra Costa, Los Angeles, San Diego, Santa~~
~~21 Barbara, Sonoma, and Ventura.~~

~~22 (2) Reduced by 3 percent in the Counties of San Luis~~
~~23 Obispo, Nevada, Sierra, Monterey, Napa, Solano,~~
~~24 Riverside, San Bernardino, Alpine, Amador, Calaveras,~~
~~25 Inyo, Kern, Mariposa, Mono, and Tuolumne.~~

~~26 (3) Reduced by 4.5 percent in the Counties of~~
~~27 Stanislaus, Imperial, El Dorado, Placer, Sacramento, Yolo,~~
~~28 Humboldt, San Benito, Del Norte, Fresno, Lake,~~
~~29 Mendocino, Shasta, Trinity, Butte, Merced, Tulare, San~~
~~30 Joaquin, Lassen, Modoc, Plumas, Siskiyou, Tehama,~~
~~31 Kings, Madera, Colusa, Glenn, Sutter, and Yuba.~~

~~32 SEC. 59. Section 17000.6 of the Welfare and~~
~~33 Institutions Code is repealed.~~

~~34 17000.6. (a) The board of supervisors of any county~~
~~35 may adopt a standard of aid below the level established~~
~~36 in Section 17000.5 if the Commission on State Mandates~~
~~37 makes a finding that meeting the standards in Section~~
~~38 17000.5 would result in a significant financial distress to~~
~~39 the county. When the commission makes a finding of~~
~~40 significant financial distress concerning a county, the~~

~~1 board of supervisors may establish a level of aid which is
2 not less than 40 percent of the 1991 federal official poverty
3 level, which may be further reduced pursuant to Section
4 17001.5 for shared housing. The commission shall not
5 make a finding of significant financial distress unless the
6 county has made a compelling case that, absent the
7 finding, basic county services, including public safety,
8 cannot be maintained.~~

~~9 (b) Upon receipt of a written application from a
10 county board of supervisors, the commission may make a
11 finding of financial distress for a period of up to 36 months
12 pursuant to regulations that are necessary to implement
13 this section, which shall be adopted by the commission.
14 The period of reduction may be renewed by the
15 commission upon reapplication by the county. Any
16 county that filed an application or reapplication that was
17 approved for a period of up to 12 months by the
18 commission on or before December 31, 1996, shall be
19 deemed to have had that application or reapplication
20 approved for a period of 36 months. If the period of
21 financial distress is delayed by court action, the period
22 shall be tolled during that delay.~~

~~23 (c) As part of the decisionmaking process, the
24 commission shall notice and hold a public hearing on the
25 county's application or reapplication in the county of
26 application. The commission shall provide a 30-day notice
27 of the hearing in the county of application or
28 reapplication. The commission shall notify the applicant
29 county of its preliminary decision within 60 days after
30 receiving the application and final decision within 90 days
31 after receiving the application. If a county files an
32 application while another county's application is
33 pending, the commission may extend both the
34 preliminary decision period up to 120 days and the final
35 decision period up to 150 days from the date of the
36 application and any current period of significant financial
37 distress of the applicant county that has been set pursuant
38 to subdivision (b) shall be extended for the same period.~~

1 ~~(d) This section shall not be construed to eliminate the~~
2 ~~requirement that a county provide aid pursuant to~~
3 ~~Section 17000.~~

4 ~~(e) Any standard of aid adopted pursuant to this~~
5 ~~section shall constitute a sufficient standard of aid.~~

6 ~~(f) The commission may adopt emergency regulations~~
7 ~~for the implementation of this section.~~

8 SEC. 60. Section 17001 of the Welfare and Institutions
9 Code is repealed.

10 ~~17001. The board of supervisors of each county, or the~~
11 ~~agency authorized by county charter, shall adopt~~
12 ~~standards of aid and care for the indigent and dependent~~
13 ~~poor of the county or city and county.~~

14 SEC. 61. Section 17001.5 of the Welfare and
15 Institutions Code is repealed.

16 ~~17001.5. (a) Notwithstanding any other provision of~~
17 ~~law, including, but not limited to, Section 17000.5, the~~
18 ~~board of supervisors of each county, or the agency~~
19 ~~authorized by the county charter, may do any of the~~
20 ~~following:~~

21 ~~(1) (A) Adopt residency requirements for purposes~~
22 ~~of determining a persons' eligibility for general~~
23 ~~assistance. Any residence requirement under this~~
24 ~~paragraph shall not exceed 15 days.~~

25 ~~(B) Nothing in this paragraph shall be construed to~~
26 ~~authorize the adoption of a requirement that an applicant~~
27 ~~or recipient have an address or to require a homeless~~
28 ~~person to acquire an address.~~

29 ~~(2) (A) Establish a standard of general assistance for~~
30 ~~applicants and recipients who share housing with one or~~
31 ~~more unrelated persons or with one or more persons who~~
32 ~~are not legally responsible for the applicant or recipient.~~
33 ~~The standard of general assistance aid established~~
34 ~~pursuant to Section 17000.5 for a single adult applicant or~~
35 ~~recipient may be reduced pursuant to this paragraph by~~
36 ~~not more than the following percentages, as appropriate:~~

37 ~~(i) Fifteen percent if the applicant or recipient shares~~
38 ~~housing with one other person described in this~~
39 ~~subparagraph.~~

1 (ii) ~~Twenty percent if the applicant or recipient shares~~
2 ~~housing with two other persons described in this~~
3 ~~subparagraph.~~

4 (iii) ~~Twenty five percent if the applicant or recipient~~
5 ~~shares housing with three or more other persons~~
6 ~~described in this paragraph.~~

7 (B) ~~Any standard of aid adopted pursuant to this~~
8 ~~paragraph shall constitute a sufficient standard of aid for~~
9 ~~any recipient who shares housing.~~

10 (C) ~~Counties with shared housing reductions larger~~
11 ~~than the amounts specified in subparagraph (A) as of~~
12 ~~August 19, 1992, may continue to apply those adjustments.~~

13 (3) ~~Discontinue aid under this part for a period of not~~
14 ~~more than 180 days with respect to any recipient who is~~
15 ~~employable and has received aid under this part for three~~
16 ~~months if the recipient engages in any of the following~~
17 ~~conduct:~~

18 (A) ~~Fails, or refuses, without good cause, to participate~~
19 ~~in a qualified job training program, participation of which~~
20 ~~is a condition of receipt of assistance.~~

21 (B) ~~After completion of a job training program, fails,~~
22 ~~or refuses, without good cause, to accept an offer of~~
23 ~~appropriate employment.~~

24 (C) ~~Persistently fails, or refuses, without good cause, to~~
25 ~~cooperate with the county in its efforts to do any of the~~
26 ~~following:~~

27 (i) ~~Enroll the recipient in a job training program.~~

28 (ii) ~~After completion of a job training program, locate~~
29 ~~and secure appropriate employment for the recipient.~~

30 (D) ~~For purposes of this paragraph, lack of good cause~~
31 ~~may be demonstrated by a showing of any of the~~
32 ~~following:~~

33 (i) ~~The willful failure, or refusal, of the recipient to~~
34 ~~participate in a job training program, accept appropriate~~
35 ~~employment, or cooperate in enrolling in a training~~
36 ~~program or locating employment.~~

37 (ii) ~~Not less than three separate acts of negligent~~
38 ~~failure of the recipient to engage in any of the activities~~
39 ~~described in clause (i).~~

~~(4) Prohibit an employable individual from receiving aid under this part for more than three months in any 12-month period, whether or not the months are consecutive. This paragraph shall apply to aid received on or after the effective date of this paragraph. This paragraph shall apply only to those individuals who have been offered an opportunity to attend job skills or job training sessions.~~

~~(5) Notwithstanding paragraph (3), discontinue aid to, or sanction, recipients for failure or refusal without good cause to follow program requirements. For purposes of this subdivision, lack of good cause may be demonstrated by a showing of either (A) willful failure or refusal of the recipient to follow program requirements, or (B) not less than three separate acts of negligent failure of the recipient to follow program requirements.~~

~~(b) (1) The Legislative Analyst shall conduct an evaluation of the impact of this section on general assistance recipients and applicants.~~

~~(2) The evaluation required by paragraph (1) shall include, but need not be limited to, all of the following:~~

~~(A) The impact on the extent of homelessness among applicants and recipients of general assistance.~~

~~(B) The rate at which recipients of general assistance are sanctioned by county welfare departments.~~

~~(C) The impact of the 15-day residency requirement on applicants or recipients of general assistance, including how often the requirement is invoked.~~

~~(3) The Legislative Analyst shall, in the conduct of the study required by this section, consult with the State Department of Social Services, the County Welfare Directors Association, and organizations that advocate on behalf of recipients of general assistance.~~

~~(c) A county may provide aid pursuant to Section 17000.5 either by cash assistance, in-kind aid, a two-party payment, voucher payment, or check drawn to the order of a third-party provider of services to the recipient. Nothing shall restrict a county from providing more than one method of aid to an individual recipient.~~

1 SEC. 62. Section 17001.51 of the Welfare and
2 Institutions Code is repealed.

3 ~~17001.51. (a) A county may require adult applicants~~
4 ~~and recipients of benefits under the general assistance~~
5 ~~program to undergo screening for substance abuse when~~
6 ~~it is determined by the county that there is reasonable~~
7 ~~suspicion to believe that an individual is dependent upon~~
8 ~~illegal drugs or alcohol. The county shall maintain~~
9 ~~documentation of this finding.~~

10 ~~(b) A county may require as a condition of aid~~
11 ~~reasonable participation in substance abuse or alcohol~~
12 ~~treatment programs for persons screened pursuant to~~
13 ~~subdivision (a) and professionally evaluated to be in need~~
14 ~~of treatment, if the services are actually available at no~~
15 ~~charge to the applicant or recipient.~~

16 SEC. 63. Section 17001.6 of the Welfare and
17 Institutions Code is repealed.

18 ~~17001.6. (a) To the extent not inconsistent with~~
19 ~~federal law, a county may require the legal sponsor of an~~
20 ~~alien general assistance recipient to sign a written~~
21 ~~agreement to repay any aid provided to the alien during~~
22 ~~the period of time during which the sponsor has agreed,~~
23 ~~in writing, to provide for the alien.~~

24 ~~(b) Upon request of the board of supervisors, the~~
25 ~~district attorney or any other civil legal officer may~~
26 ~~maintain an action against the legal sponsor of an alien to~~
27 ~~recover, for the county, the aid provided the alien during~~
28 ~~the period described in subdivision (a) and to secure an~~
29 ~~order requiring payment of any sums that may become~~
30 ~~due in the future.~~

31 ~~(c) For purposes of enforcing this section, a county~~
32 ~~may seek and employ all remedies otherwise authorized~~
33 ~~by this part.~~

34 ~~(d) This section shall not be construed to authorize a~~
35 ~~county to penalize a recipient of general assistance, or to~~
36 ~~otherwise deny, curtail, or modify the general assistance~~
37 ~~provided a recipient unless otherwise provided in the~~
38 ~~county general assistance program standards and~~
39 ~~requirements.~~

1 SEC. 64. Section 17001.7 of the Welfare and
2 Institutions Code is repealed.

3 ~~17001.7. (a) In adopting standards of aid and care for~~
4 ~~the indigent and dependent poor of the county or city and~~
5 ~~county, the board of supervisors or the agency authorized~~
6 ~~by the county charter may, for purposes of determining~~
7 ~~eligibility for aid and care, deem the income and~~
8 ~~resources of any person who, as a sponsor of the entry of~~
9 ~~a general assistance applicant or recipient into the United~~
10 ~~States, executed an affidavit of support or similar~~
11 ~~agreement with respect to that applicant or recipient,~~
12 ~~and the income and resources of the sponsor's spouse, to~~
13 ~~be the income and resources of that applicant or~~
14 ~~recipient, in accordance with subdivisions (b) and (c), for~~
15 ~~a period of three years after the individual's entry into the~~
16 ~~United States. Any such deemed income shall be treated~~
17 ~~as unearned income of the general assistance applicant or~~
18 ~~recipient.~~

19 ~~(b) (1) The amount of income of a sponsor and the~~
20 ~~sponsor's spouse that shall be deemed to be the unearned~~
21 ~~income of an alien for any month shall be determined as~~
22 ~~follows:~~

23 ~~(A) The total amount of earned and unearned income~~
24 ~~of the sponsor and the sponsor's spouse, if the spouse is~~
25 ~~living with the sponsor, shall be determined for that~~
26 ~~month.~~

27 ~~(B) The amount determined under subparagraph (A)~~
28 ~~shall be reduced by an amount equal to the following:~~

29 ~~(i) One hundred seventy five dollars (\$175), or 20~~
30 ~~percent of the total of any amounts received by the~~
31 ~~sponsor and the sponsor's spouse in that month as wages~~
32 ~~or salary or as net earnings from self-employment, plus~~
33 ~~the full amount of any costs incurred by them in~~
34 ~~producing self-employment income in that month,~~
35 ~~whichever is less.~~

36 ~~(ii) The amount of maximum aid established pursuant~~
37 ~~to Section 11450 for a family of the same size and~~
38 ~~composition as the sponsor and those other individuals~~
39 ~~living in the same household as the sponsor who are~~
40 ~~claimed by the sponsor as dependents for purposes of~~

~~1 determining the sponsor's federal personal income tax~~
~~2 liability, but whose needs are not taken into account in~~
~~3 making a determination for eligibility for Aid to Families~~
~~4 with Dependent Children program under Section~~
~~5 602(a)(7) of Title 42 of the United States Code.~~

~~6 (iii) Any amounts paid by the sponsor or the sponsor's~~
~~7 spouse to individuals not living in the sponsor's household~~
~~8 who are claimed by the sponsor as dependents for~~
~~9 purposes of determining the sponsor's federal personal~~
~~10 income tax liability.~~

~~11 (iv) Any payments of spousal or child support by the~~
~~12 sponsor or the sponsor's spouse with respect to individuals~~
~~13 not living in the sponsor's household.~~

~~14 (2) The amount of resources of a sponsor and the~~
~~15 sponsor's spouse that shall be deemed to be the resources~~
~~16 of an alien for any month shall be the total amount of~~
~~17 resources determined as if the sponsor were applying for~~
~~18 general assistance under this chapter of the sponsor and~~
~~19 the sponsor's spouse, if the spouse is living with the~~
~~20 sponsor, and in accordance with the standards adopted by~~
~~21 the county or city and county, reduced by one thousand~~
~~22 five hundred dollars (\$1,500).~~

~~23 (e) Any sponsor of an alien, and the alien, shall be~~
~~24 jointly and severally liable for an amount equal to any~~
~~25 overpayment of aid made to the alien during the period~~
~~26 of three years after the alien's entry into the United~~
~~27 States, on account of the sponsor's failure to provide~~
~~28 correct information under this section, except where that~~
~~29 sponsor was without fault, or where good cause of that~~
~~30 failure existed.~~

~~31 (d) In any case where a person is the sponsor of two or~~
~~32 more aliens who are living in the same home, the income~~
~~33 and resources of the sponsor and the sponsor's spouse, to~~
~~34 the extent they would be deemed the income and~~
~~35 resources of any one of these aliens under subdivisions (a)~~
~~36 to (e), inclusive, shall be divided into two or more equal~~
~~37 shares, the number of shares being the same as the~~
~~38 number of these aliens, and the income and resources of~~
~~39 each of those aliens shall be deemed to include one share.~~

1 ~~(c) As a condition to providing aid pursuant to this~~
2 ~~chapter, the county or city and county may require the~~
3 ~~alien to provide the name and address of the alien's~~
4 ~~sponsor and may require the alien or the alien's sponsor~~
5 ~~to provide all information regarding the income and~~
6 ~~assets of the sponsor and the sponsor's spouse necessary~~
7 ~~to enforce this section.~~

8 ~~(f) The deeming of sponsor's and sponsor's spouse's~~
9 ~~income and resources shall not apply to an alien whose~~
10 ~~sponsor has abandoned his or her duty to support the~~
11 ~~alien. For purposes of this section, abandonment of the~~
12 ~~duty to support shall include, but not be limited to, abuse,~~
13 ~~battery, neglect, or refusal to support. Evidence of~~
14 ~~abandonment may be demonstrated by documentary~~
15 ~~evidence or collateral statements.~~

16 ~~(g) This section shall not apply to an alien to which any~~
17 ~~of the following applies:~~

18 ~~(1) Admitted to the United States as a result of the~~
19 ~~application, prior to April 1, 1980, of Section 1153(a)(7)~~
20 ~~of Title 8 of the United States Code.~~

21 ~~(2) Admitted to the United States as a result of the~~
22 ~~application, after March 31, 1980, of Section 1157(c) of~~
23 ~~Title 8 of the United States Code.~~

24 ~~(3) Paroled into the United States as a refugee under~~
25 ~~Section 1182(d)(5) of Title 8 of the United States Code.~~

26 ~~(4) Granted political asylum by the Attorney General~~
27 ~~of the United States pursuant to Section 1158 of Title 8 of~~
28 ~~the United States Code.~~

29 ~~(5) A Cuban or Haitian entrant, as defined in Section~~
30 ~~501(e) of the Refugee Education Assistance Act of 1980~~
31 ~~(Public Law 96-422).~~

32 ~~SEC. 65. Section 17001.8 of the Welfare and~~
33 ~~Institutions Code is repealed.~~

34 ~~17001.8. (a) In adopting standards of aid for general~~
35 ~~assistance for the indigent and dependent poor of the~~
36 ~~county or city and county, the board of supervisors or the~~
37 ~~agency authorized by the county charter may determine,~~
38 ~~with regard to any alien whose entry into the United~~
39 ~~States has been sponsored by an individual who, or an~~
40 ~~organization which, executed an affidavit of support or~~

~~1 similar agreement with respect to the alien and who has
2 become ineligible for assistance pursuant to Section
3 11008.135, that the alien is ineligible for aid for a period
4 of five years after the alien's entry into the United States,
5 unless (1) the alien is a minor and the sponsor, or the
6 sponsor's spouse, is the parent of the alien child or (2) the
7 sponsoring person dies or the sponsoring organization
8 ceases to exist.~~

~~9 (b) This section shall not apply with respect to any
10 alien who is:~~

~~11 (1) Admitted to the United States as a result of the
12 application, prior to April 1, 1980, of the provisions of
13 Section 1153 (c) of Title 8 of the United States Code.~~

~~14 (2) Admitted to the United States as a result of the
15 application, after March 31, 1980, of Section 1157(c) of
16 Title 8 of the United States Code.~~

~~17 (3) Paroled into the United States under Section
18 1182(d)(5) of Title 8 of the United States Code.~~

~~19 (4) Granted political asylum by the United States
20 Attorney General under Section 1158 of Title 8 of the
21 United States Code.~~

~~22 (5) A Cuban or Haitian entrant, as defined in Section
23 501(e) of the Refugee Education Assistance Act of 1980
24 (Public Law 96-422).~~

~~25 (c) This section shall become operative on the
26 effective date of federal law that prohibits providing
27 assistance to sponsored aliens, and shall remain operative
28 only as long as that federal law remains in effect. The
29 Director of Social Services shall determine the operative
30 dates of this section pursuant to this subdivision and shall
31 execute a declaration, that shall be retained by the
32 director, that sets forth the operative date or termination
33 date.~~

~~34 SEC. 66. Section 17001.9 of the Welfare and
35 Institutions Code is repealed.~~

~~36 17001.9. (a) Notwithstanding any other provision of
37 this part:~~

~~38 (1) As a condition of providing nonemergency
39 medical care to an indigent and dependent adult resident
40 of the county, other than an involuntary detainee or~~

1 ~~prisoner, who is a sponsored alien, a county may require~~
2 ~~that the legal sponsor of the alien sign a written~~
3 ~~agreement to repay any aid provided to the alien during~~
4 ~~the period of time during which the sponsor has agreed,~~
5 ~~in writing, to provide for the alien.~~

6 ~~(2) To the extent not inconsistent with federal law, if~~
7 ~~a county has provided emergency medical care to an~~
8 ~~indigent and dependent adult resident of the county,~~
9 ~~other than an involuntary detainee or prisoner, who is a~~
10 ~~sponsored alien, and that care was provided during the~~
11 ~~period during which the sponsor has agreed, in writing,~~
12 ~~to provide for the alien, the county may recover the~~
13 ~~reasonable cost of that care from the sponsor of that alien.~~
14 ~~If the county is required to take legal action to enforce~~
15 ~~this right to recovery, the written promise to provide for~~
16 ~~the alien shall be considered, under state law, to be the~~
17 ~~equivalent of a written contract to pay for that medical~~
18 ~~care.~~

19 ~~(3) No county shall be required to provide medical~~
20 ~~care to any sponsored alien who is eligible, with or~~
21 ~~without a share of cost, for participation in the California~~
22 ~~Medical Assistance (Medi-Cal) program.~~

23 ~~(b) This section shall not apply if the sponsoring~~
24 ~~person dies or the sponsoring organization ceases to exist.~~

25 ~~(c) This section shall not apply with respect to any~~
26 ~~alien who is:~~

27 ~~(1) Admitted to the United States as a result of the~~
28 ~~application, prior to April 1, 1980, of the provisions of~~
29 ~~Section 1153 (e) of Title 8 of the United States Code.~~

30 ~~(2) Admitted to the United States as a result of the~~
31 ~~application, after March 31, 1980, of Section 1157(c) of~~
32 ~~Title 8 of the United States Code.~~

33 ~~(3) Paroled into the United States under Section~~
34 ~~1182(d)(5) of Title 8 of the United States Code.~~

35 ~~(4) Granted political asylum by the United States~~
36 ~~Attorney General under Section 1158 of Title 8 of the~~
37 ~~United States Code.~~

38 ~~(5) A Cuban or Haitian entrant, as defined in Section~~
39 ~~501(c) of the Refugee Education Assistance Act of 1980~~
40 ~~(Public Law 96-422).~~

~~(6) A minor and the sponsor or the sponsor's spouse is the parent of the alien child.~~

~~(d) This section shall become operative on the effective date of federal law that prohibits providing Medi-Cal assistance to sponsored aliens, and shall remain operative only as long as federal law remains in effect. The Director of Health Services shall determine the operative dates of this section pursuant to this subdivision and shall execute a declaration, that shall be retained by the director, that sets forth the operative date or termination date.~~

SEC. 67. Section 17002 of the Welfare and Institutions Code is repealed.

~~17002. The boards of supervisors may establish almshouses and county farms, prescribe rules and regulations for their government and management, and appoint the necessary officers and employees thereof, who shall hold office during the pleasure of the board.~~

SEC. 68. Section 17003 of the Welfare and Institutions Code is repealed.

~~17003. Every county may give such emergency relief to dependent nonresidents as the respective boards of supervisors deem necessary.~~

SEC. 69. Section 17004 of the Welfare and Institutions Code is repealed.

~~17004. If no other funds are available for the purpose, a county may incur all necessary expenses in transporting a nonresident indigent to another state or county, when information at hand reasonably tends to show that the person has a legal residence in such state or county.~~

SEC. 70. Section 17005 of the Welfare and Institutions Code is repealed.

~~17005. If a dispute occurs between counties as to the responsibility for an indigent, either county may submit the dispute to the department. The decision of the department thereon shall be final.~~

SEC. 71. Section 17008 of the Welfare and Institutions Code is repealed.

~~17008. In cases in which an indigent has an interest in the real property upon which he resides, a county may~~

1 ~~allow an amount that would otherwise be included in his~~
2 ~~budget for rentals, when such amount is necessary and~~
3 ~~will be used entirely for the purpose of preserving so far~~
4 ~~as possible the retention of such interest to provide a~~
5 ~~place of residence for the indigent.~~

6 SEC. 72. Section 17020 of the Welfare and Institutions
7 Code is repealed.

8 ~~17020. Any person who is eligible for aid under~~
9 ~~Chapter 2 (commencing with Section 11200) of Part 3~~
10 ~~shall not be eligible for monthly payments provided~~
11 ~~pursuant to this part if the maximum payment standard~~
12 ~~established by a county pursuant to Section 17001 exceeds~~
13 ~~the payment level established pursuant to subdivision (a)~~
14 ~~of Section 11450.~~

15 SEC. 73. Chapter 3 (commencing with Section 17200)
16 of Part 5 of Division 9 of the Welfare and Institutions Code
17 is repealed.

18 SEC. 74. Part 5.5 (commencing with Section 17650) is
19 added to Division 9 of the Welfare and Institutions Code,
20 to read:

21
22 PART 5.5. STATE GENERAL ASSISTANCE
23 PROGRAM
24

25 17650. (a) There is hereby established the State
26 General Assistance Program, to be administered by the
27 department and each county in accordance with this
28 chapter and regulations that shall be adopted by the
29 department.

30 (b) The State General Assistance Program shall
31 provide basic subsistence for needy adults lawfully
32 residing in this state who have no dependent children and
33 who are not eligible for federally-funded means-tested
34 public assistance programs.

35 17651. The department, in consultation with counties,
36 shall adopt statewide eligibility standards for benefits
37 under this part. Eligibility requirements, including an
38 application and intake process, shall, except where
39 otherwise provided in this part, be consistent with the

1 requirements of Chapter 2 (commencing with Section
2 11200) of Part 3.

3 17652. The department, in consultation with counties,
4 shall adopt an aid grant structure, in conformance with
5 the requirements of Chapter 2 (commencing with
6 Section 11200) of Part 3, including regional grants,
7 pursuant to the regions defined in Section 11450.018,
8 except that aid grant reductions may be permitted due to
9 shared housing arrangements.

10 17653. (a) Except as provided in this section, Article
11 3.2 (commencing with Section 11320) of Chapter 2 of Part
12 3 shall apply to this part.

13 (b) A recipient under this part determined to be
14 employable by the county shall be eligible for job training
15 and preparation services under Article 3.2 (commencing
16 with Section 11320) of Chapter 2 of Part 3.

17 (c) If, after these job training and preparation services
18 have been provided, the recipient has not found
19 employment, has not willfully failed to cooperate in his or
20 her case plan, and the county determines that the
21 recipient continues to have significant barriers to
22 unsubsidized employment, the recipient shall be eligible
23 for benefits for a period of three months, if he or she
24 participates in community service work of 40 hours per
25 week. The county shall review the case of an individual
26 employed in community service work under this
27 subdivision, and may extend, in three-month increments,
28 his or her benefits under this part and community service
29 employment, if the county determines that the recipient
30 is cooperating in his or her case plan and that significant
31 barriers to employment remain.

32 (d) A recipient found by the county to be abusing
33 alcohol or drugs, to the extent that the abuse creates a
34 barrier to employment, shall be required, as a condition
35 of eligibility for benefits under this part, to participate in
36 appropriate substance abuse treatment programs.

37 17654. (a) (1) An applicant who is disabled or 65
38 years of age or older, if a citizen or an alien eligible for
39 benefits under Chapter 3 (commencing with Section
40 12000) of Part 3, shall be immediately referred for

1 application for benefits under Chapter 3 (commencing
2 with Section 12000) of Part 3.

3 (2) An applicant who is disabled or 65 years of age or
4 older, but who is not a citizen or an alien eligible for
5 benefits under Chapter 3 (commencing with Section
6 12000) shall be referred to the program provided for in
7 Chapter 5.05 (commencing with Section 12800) of Part 3.

8 (b) An applicant to whom paragraph (1) of
9 subdivision (a) applies shall, if otherwise eligible under
10 this part, be eligible for an aid payment to cover
11 immediate needs in the month in which the applicant
12 applies for benefits under Chapter 3 (commencing with
13 Section 12000) of Part 3, as well as payments in the form
14 of a loan for subsequent months until reimbursement is
15 obtained from the Supplemental Security Income
16 program. An applicant to whom paragraph (2) of
17 subdivision (a) applies, if otherwise eligible, shall be
18 eligible under this part until he or she commences
19 receiving benefits under Chapter 5.05 (commencing
20 with Section 12800) of Part 3.

21 17655. Any individual who has been on parole for
22 three years or less shall be ineligible for benefits under
23 this part.

24 17656. There is hereby appropriated from the
25 General Fund to the department, in each fiscal year, an
26 amount necessary to pay for the aid grant and
27 administrative costs incurred pursuant to this part.

28 SEC. 75. Section 18925 is added to the Welfare and
29 Institutions Code, to read:

30 18925. (a) The department shall, upon submission of
31 a complete written request, as described in subdivision
32 (b), by a county, city, or city and county, seek a waiver
33 from the United States Department of Agriculture, of the
34 work requirement provided for in Section 824 of Public
35 Law 104-193 with respect to households in the geographic
36 area covered by the request.

37 (b) A local entity's request submitted pursuant to
38 subdivision (a) shall include all of the following
39 information:

1 (1) The name of the county, city, or city and county
2 submitting the request.

3 (2) The geographic area covered by the request.

4 (3) The category under which the waiver is being
5 requested, either unemployment rate higher than 10
6 percent or lack of sufficient jobs, and the basis for the
7 request.

8 (4) Any evidence or data that supports the request.

9 (5) Any other information required by the United
10 States Department of Agriculture, and if applicable, a
11 statement that the request to the United States
12 Department of Agriculture be expedited.

13 (c) The department shall submit a waiver request on
14 behalf of the county to the United States Department of
15 Agriculture, in the required format.

16 (d) This section shall not preclude the department
17 from submitting a work requirement waiver request to
18 the United States Department of Agriculture, pursuant to
19 Section 824 of Public Law 104-193, in the absence of a
20 request by a local entity. If the department requests a
21 waiver for any area that is not sought by any county, city,
22 or city and county, and the waiver is granted, the county
23 responsible for administering the Food Stamp Program
24 for that area shall provide food stamp benefits to all
25 individuals affected by the waiver if the individuals are
26 otherwise eligible for food stamp benefits.

27 SEC. 76. Section 18926 is added to the Welfare and
28 Institutions Code, to read:

29 18926. (a) The state shall provide funds to any
30 county, when all or part of the county is not covered by
31 a waiver obtained pursuant to Section 18925, for the
32 establishment of employment programs for persons who
33 would otherwise lose food stamp benefits due to Section
34 824 of P.L. 104-193.

35 (b) This section shall not be implemented if a
36 statewide waiver is obtained by the department pursuant
37 to Section 18925.

38 SEC. 77. The amendments made to Section 17000 of
39 the Welfare and Institutions Code by this act are intended
40 to restate the existing county obligation to provide

1 medical services to general assistance recipients, and not
2 to either increase or reduce this obligation.

3 SEC. 78. Notwithstanding Section 17610 of the
4 Government Code, if the Commission on State Mandates
5 determines that this act contains costs mandated by the
6 state, reimbursement to local agencies and school
7 districts for those costs shall be made pursuant to Part 7
8 (commencing with Section 17500) of Division 4 of Title
9 2 of the Government Code. If the statewide cost of the
10 claim for reimbursement does not exceed one million
11 dollars (\$1,000,000), reimbursement shall be made from
12 the State Mandates Claims Fund.

13 Notwithstanding Section 17580 of the Government
14 Code, unless otherwise specified, the provisions of this act
15 shall become operative on the same date that the act
16 takes effect pursuant to the California Constitution.

17 SEC. 79. This act is an urgency statute necessary for
18 the immediate preservation of the public peace, health,
19 or safety within the meaning of Article IV of the
20 Constitution and shall go into immediate effect. The facts
21 constituting the necessity are:

22 In order to ensure that essential changes can be made
23 to public social services programs at the earliest possible
24 time, it is necessary that this act go into immediate effect.

